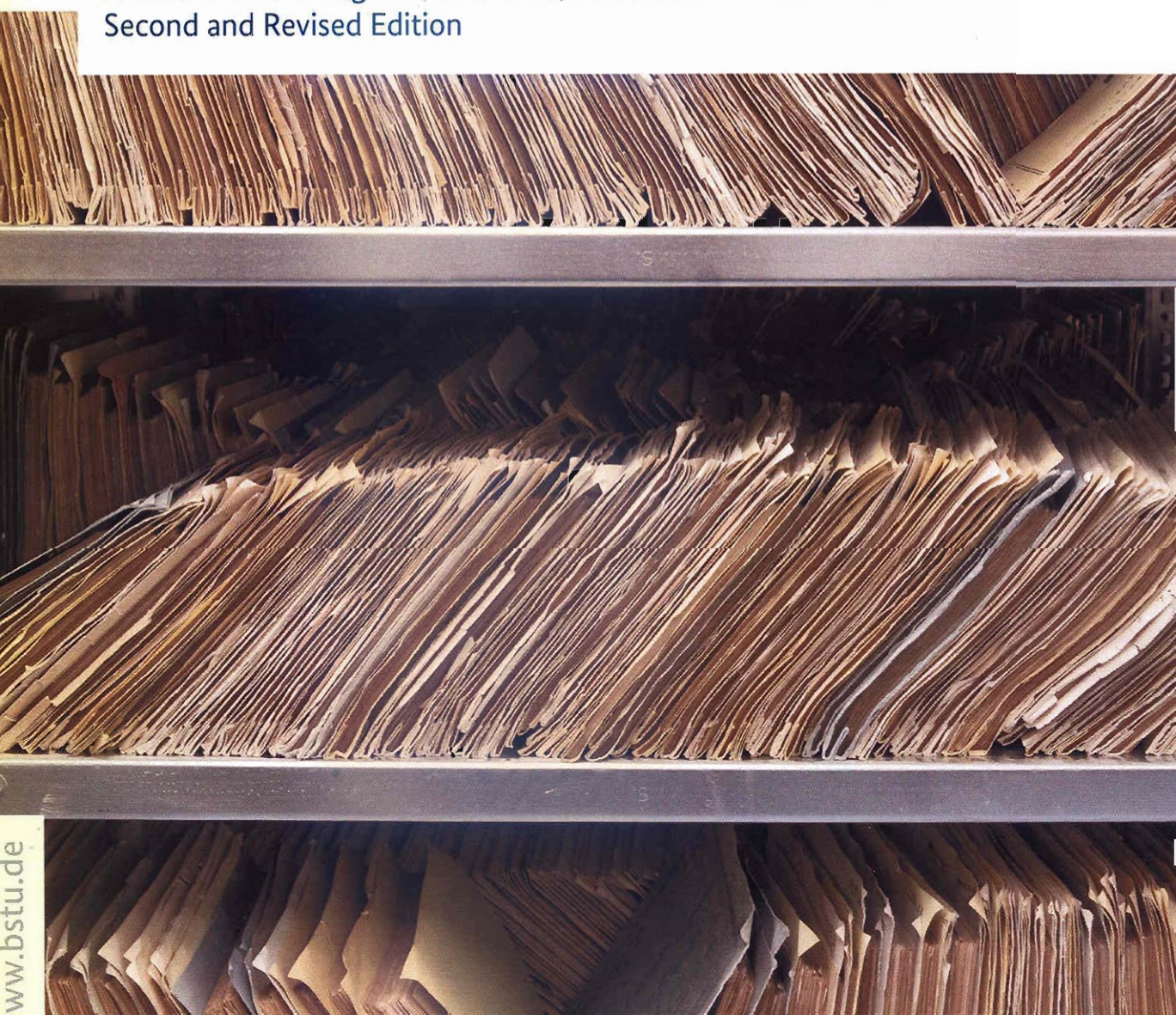
Federal Commissioner for the Records
of the State Security Service of the former
German Democratic Republic

EUROPEAN NETWORK
OF OFFICIAL AUTHORITIES
IN CHARGE OF THE
SECRET POLICE FILES

The "European Network of Official Authorities in Charge of the Secret Police Files"

A Reader on the Legal Foundations, Structures and Activities
Second and Revised Edition



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Foreword

Dear Readers,

The files are open. This is a great achievement of the revolution of 1989/1990 in the communist states of Eastern Europe. People courageously secured the files of the secret police. In doing so they were able to establish the conditions for making the files accessible to the citizens.

The records are used in accordance with constitutional rules by citizens and government agencies dealing with issues concerning the past. They are used, for example, in examinations to determine whether an individual collaborated with the secret police in the past and to establish whether someone qualifies for rehabilitation. Media representatives and researchers can also use the records as a source of information. The different communist secret police agencies collaborated closely. This is why it is important that the East European countries today also cooperate using the available records in their efforts to address their own dictatorial pasts.

The "European Network of Official Authorities in Charge of the Secret Police Files" was founded five years ago. This publication is the second, revised edition providing an overview of the work of the network. The institutions working together in this network represent seven countries (Bulgaria, the Czech Republic, Germany, Hungary, Poland, Romania and Slovakia) and have each been called upon to use the available archives of their secret police agencies to make an important contribution toward coming to terms with the past communist dictatorships in their countries. To become a member, the following prerequisites must be met:

a) The institution must be a government organization.
b) It must be established by the parliament and work on the basis of special legal norms.
c) It must be independent of other government archival administrations, have independent authority over the documents left behind by the secret police agencies and make these documents accessible.

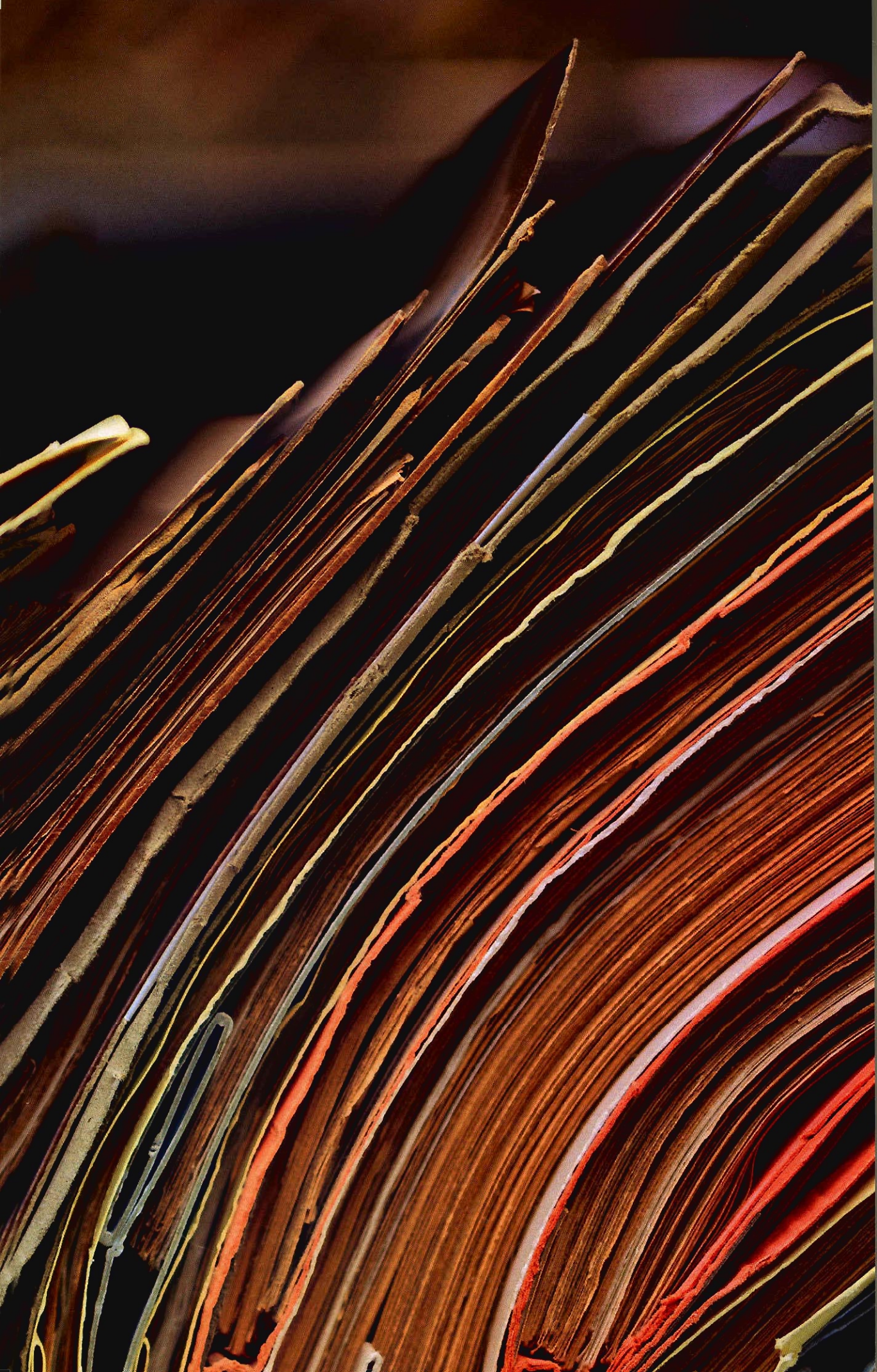
During the four years of cooperation through the network, joint exhibitions have been produced to inform the public about the methods employed by the secret police. Conferences were also organised, promoting research on the cooperative efforts between secret police agencies and serving as a forum to exchange ideas about appropriate forms of educational work. Most importantly, joining forces in a network has made it easier to clarify the fates of people who suffered under the communist dictatorship.The people's access to the archives in other countries has also improved.

The situations in the seven countries are not identical – and consequentially their approaches for dealing with the past also differ. This updated edition of the Reader shows how the work has evolved over the last few years. In some of the member countries, the archives were able to acquire additional holdings. Some amended their legal tasks. Others acquired new directors. Some made progress in the digitalisation of documents. And significantly, the close work between the network representatives helped prevent concerted efforts to encroach upon the authority of certain institutions.

When we look at other countries with a history of dictatorship, in southern Europe or Latin Americafor example, we see how sluggishly their confrontations with the past advance. This helps us to better appreciate and acknowledge what has been achieved together with the help of these institutions through the persevering work to come to terms with the past. It is our hope that in other countries in the world that are experiencing a democratic awakening, the strong civilian forces within society will engage in their own investigations of the impact of their secret police agencies. People actively involved in the "Arab Spring" in particular have paid visits to member institutions to learn from their experiences in addressing the past.

In the following publication, the seven institutions working together within the network provide a report on their legal foundations, their organisational structure and their work. Each institution is responsible for the content of its own text. The Federal Commissioner for the Stasi Records assumed responsibility for the editorial coordination andthe production.
I thank our partners for the very successful cooperation.

Roland Jahn
Commissioner for the Records
of the State Security Service of the former
German Democratic Republic



The Committee on Disclosure of Documents and Announcing Affiliation of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Army

Bulgaria

1. Founding History

The issue of opening access to the archives of the former Bulgarian secret services was raised in the wake of the democratic changes in the country. Many informal civil society organisations which emerged on the national scene at the end of the 1980s decided as their priority to dismantle the former State Security. Their main interest was in identifying the names in the secret files of political informers, who had covertly reported on opponents of the regime. The opposition engaged in the first mass democratic protests in late 1989 and early 1990, mostly under the motto 'Expose State Security *informers*'. The secret files of collaborators of the State Security's Sixth Directorate (also known as the political police) were a focus of the hotly debated topics in the then-emerging free press. The subject remained relevant during the talks at the round table (January–May 1990).

It was at that time that the process of dissolving the repressive organs of the State Security began. Most strongly affected were the department of the political police, housed under the Ministry of the Interior and the military intelligence bodies of the People's Defence Ministry. By order of General Atanas Semerdzhiev, Minister of the Interior at the time, the incriminating records kept at the ministry's archives were largely destroyed.

On 23 August 1990, under public pressure, the 7th Grand National Assembly established a seven-member committee presided over by Bulgarian Socialist Party MP Georgi Tambuev. It was assigned the task of investigating the archives and announcing the names of State Security collaborators who were also members of the Grand National Assembly. The Tambuev Committee's activities were discontinued before any results could be achieved due to a series of publications in the Fax Newspaper announcing the names of 33 members of parliament, who had collaborated with the Sixth Directorate of the SS. This was not an official document, but it caused a scandal and the process of opening the files of the former political police was brought to a deadlock.

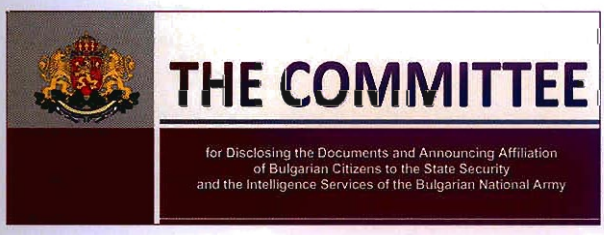
In 1992, action was taken against Reserve General Atanas Semerdzhiev and Reserve General Nanka Serkedzhieva for destroying 144,235 files of the former State Security. On 13 December of that year, the retiring Prime Minister, Philip Dimitrov issued Ordinance No. KB 215, which specified that for a payment of 100 Bulgarian leva members of parliament could receive a certificate from the Ministry of the Interior, stating whether or not they had collaborated with the former State Security.

In 1993, the 36th National Assembly, acting on a proposal by Lyubomir Pavlov (member of the Union of the Democratic Forces and of parliament), adopted Resolution No. 14, which stated that: 'the information on the methods, means and reports provided by SS agents for the time period ending on 13 October 1991, is not deemed to be state secrets'. The resolution was never put into effect.

The Law on Access to the Documents of the Former State Security and the Intelligence Directorate of the General Staff, adopted in 1997 by the 38th National Assembly, was the first of its kind. Having investigated the archives of the Ministry of the Interior, the committee, established by virtue of this law and presided over by the then Minister of the Interior, General Bogomil Bonev, read before the National Assembly the names of 23 politicians and civil servants who had previously worked for the former State Security. Fourteen of them were members of parliament at that time. This was not a lustration law. However, it was not long before

the powers of the Bonev Committee were hampered by force of Ruling No. 10 of the Constitutional Court. The decision stated that if a registration file is the only evidence left connecting a person to the former secret services (that is, if a person fell within the category of the so-called *indexed* persons), announcement of affiliation to the secret police would not be allowed.

Four years later, in 2001, amendments were made to the Law on Access to the Documents of the Former State Security and the Intelligence Directorate of the General Staff. The scope of examinations was extended to include the documents of the former intelligence department of the Border Troops. Two new bodies were established in place of the Bonev Committee: a seven-member permanent body, chaired by Metodi Andreev, and a non-permanent body, under Chairman Georgi Ananiev. The latter could be summoned at the request of Chairman Andreev and had the ultimate authority to determine affiliation to the former SS or the Intelligence Directorate of the General Staff. According to this law, the files were to remain in possession of the special services.



On 30 May of that year, the Constitutional Court was once more approached by 54 members of parliament who contested the legality of some passages of the new law. This time the Court passed a judgment that the law did not generally violate the Constitution, with the exception of a single section, which was repealed accordingly. The Andreev Committee produced ten reports altogether which dealt with announcing affiliation of public figures. It had acted on the applications of 23,000 citizens and had examined 44,000 mayor candidates and municipal councillors, and 1,504 candidates for high-level positions.

The Andreev Committee remained functional for less than a year. On 24 April 2002, the 39th National Assembly passed the Classified Information Protection Act repealing the law on access to the documents of the former State Security. On 29 September of that same year, the Constitutional Court dismissed the claim of 57 members of parliament that the Classified



Evtim Kostadinov, Chairman of the Committee

Information Protection Act violated the Constitution. That same month, the Supreme Court of Cassation sentenced General Atanas Semerdzhiev and General Nanka Serkedzhieva to imprisonment for four years and six months, and two years, respectively, on charges of destruction of SS files.

On 6 December 2006, the 40th National Assembly adopted a new Law on Access to and Disclosure of the Documents and Announcement of Affiliation of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Army . This was the outcome of a long and intense discussion on involvement with the special services and the marked participation of the community. The nine-member committee presided over by Evtim Kostadinov was elected by the National Assembly on 5 April 2007.

Seventeen years after these changes were implemented, a national agreement was reached determining that the archives of the former secret services were to be collected, preserved, stored and made public for the sake of history and remembrance.

2. Legal Mandate and Tasks

A. What is the exclusive competence of the Committee?

A law is made up of a strict set of mandatory provisions forming articles, paragraphs and sub-paragraphs. A functional law requires more than the good will of the people who are under the obligation to implement it. It

has to demonstrate its value in practical terms; it has to be a law that works. And this law does.

The Committee for Disclosing the Documents and Announcing Affiliation of Bulgarian Citizens to the State Security and the Intelligence Services of the Bulgarian National Army (CDDAABCSSISBNA) is the only body in charge of the implementation of the law which is authorised to establish and announce the affiliation of Bulgarian citizens to the State Security bodies and the intelligence services of the Bulgarian National Army. Affiliation is announced through a resolution published by the Committee on its website and in its bulletin, issued on the grounds of article 14 of the law.

All actions dealing with disclosing, using and preserving the documents of the institutions referred to above, and making them available to the public as required by law, fall within the exclusive competence of the Committee. These powers strictly apply to documents of the State Security bodies and the intelligence services of the Bulgarian National Army during the period between 9 September 1944 and 16 July 1991.

No other institution or individual person has the right to publicly announce affiliation or disclose any information of this nature. Violators of this rule are subject to the penalties provided for in article 273 of the Criminal Code. The research and publishing work is conducted in compliance with the Access to Public Information Act. Such activity does not confer a right to make public any information concerning the affiliation of an individual to the former security services, or to reveal personal data of a third party mentioned in their documents.

B. What are the powers of the Committee?

1. Determining and announcing Bulgarian citizens' affiliation to the bodies of the former State Security and the intelligence services of the Bulgarian National Army.

It was the aim of the legislator to further public awareness and establish transparency regarding holders of public positions or public functions, such as for example: the president and vice-president of the Republic; National Assembly and European Parliament members; the Prime Minister, deputy prime ministers, ministers and deputy ministers; members of the Constitutional Court; the ombudsman and his/her deputies; representatives of different state agencies, commissions, local authorities, heads and members of representative bodies of religious communities, media owners and editors-in-chief, rectors of institutions of higher education, heads of supervision and monitoring bodies, and many more.

The law provides for the possibility of non-disclosure and non-release of documents, the disclosure or public announcement of which would harm the interests of the Republic of Bulgaria in the field of international relations, or endanger the personal life and safety of individuals. Such documents are to be filed in a separate area of the centralised archives, which is under the direct control of the Chairperson of the Committee. The latest amendment to the law (December 2012) removed the restrictive §12 of the Transitional and Closing Provisions prohibiting determination of affiliation for persons who occupied high-level positions at the Military Information Office and the National Intelligence Service after 16 July 1991. The scope of public figures subject to examination was generally extended.

2. Acquisitions, use and preservation of the documents in the centralised archives of the documents of the State Security and the intelligence services of the Bulgarian National Army.

Until the transfer of the documents of the former security services is fully completed (set to happen before the end of the second mandate of the Committee), action will be taken in accordance with article 16, paragraph 2 of the applicable law. The bodies mentioned in article 1 thereof are expected to deliver written reports compiled in accordance with the formal requirements of the law, as well as all documents concerning examined persons that the Committee may request. The reports are merely supplementary material, as it is entirely within the competence of the Committee to determine whether or not there is evidence of affiliation to the State Security bodies and the intelligence services of the Bulgarian National Army. The hand-over of documents is defined as a physical transfer of those documents to the Committee. Upon receipt, all items must be filed in its centralised archives established for this very purpose pursuant to article 1, paragraph 3 of the law. The organisation and maintenance thereof is a responsibility of the Committee.

C. Which people are subject to examination?

The following individuals are subject to mandatory examination of affiliation:

- **individuals registered at the election commissions** to run in presidential and vice-presidential

elections, National Assembly and European Parliament elections, mayor and municipal councillor elections. The election commissions are required to submit the lists of candidates to the Committee within 24 hours after registration. The Committee will then complete and publicly disclose the outcome of the examinations, regardless of whether or not the candidates have withdrawn their nominations;

- former or current holders of **public positions** and persons who have performed **public service** from 10 November 1989 until the time of examination;
- newly appointed or elected officials in public positions or public functions, in the case of personnel changes;
- individuals who were listed as debtors or were members of a management or supervisory body of an enterprise included in the list of debtors published in the bulletin under article 3, paragraph 2 of the Act on Information regarding Non-Performing Loans.

D. How will preliminary examination take place?

The procedure described as preliminary examination is regulated by article 27 of the law. A political party may, for example, request preliminary examination for affiliation to the bodies referred to in article 1 of the law in relation to those of their members who intend to run in elections or hold positions in the executive branch. Should affiliation be established, their nominations may be withdrawn, if so demanded by the organisation concerned. Preliminary examination shall be carried out upon written requests by:

- political parties, coalitions and organisations with respect to their members;
- bodies from the legislative, executive and judicial branch with respect to the people to be elected or appointed to public positions;
- professional, public, religious and scientific bodies, trade unions and other civil society organisations and associations with respect to their members.
- The request should bear the signature of the person representing the body or organisation. A preliminary examination is not allowed without the prior written consent of the examined person, which must accompany the request. It is often the case that parties or organisations file applications for examination of non-members of the requesting body. Such requests violate the requirements of the law and are therefore not to be granted. The outcome of the preliminary examination is brought to the knowledge of the applicant, and, if affiliation is determined, communicated to the examined person as well.

E. How will affiliation be determined?

The Committee determines affiliation on the basis of documents found in the archives and collections of the former State Security services. Article 25 of the law makes reference to the persons and the relevant types of documents which serve as grounds for determining affiliation:

- regular staff: data from the personal staff file, regular work schedules or pay-roll forms;
- part-time employees: data from the personal staff file, regular work schedules or documents certifying receipt of payments;
- secret collaborators: declaration of collaboration, handwritten or signed by the person; handwritten information and intelligence provided by the person; documents certifying receipt of payments; documents handwritten or signed by the person and mentioned in operative reports; documents composed by supervising staff members or part-time employees attached to them; as well as information found in the reference database (registration diaries and file indexes), protocols for destruction of records or other pieces of information relating to collaborators.

The mere mention of a person's names and aliases in the file index or registration diaries of these institutions provides sufficient grounds for announcement of their affiliation. The Committee is, however, required, to make a reference in its resolution to the absence of any other information mentioned in article 25, sub-paragraph 3. This legal solution rules out any argument for announcing affiliation in the absence of a handwritten and personally signed declaration of collaboration, handwritten intelligence reports, etc. If a person has a registration file in his/her name, it is the obligation of the Committee to announce affiliation under the terms and conditions of article 29, paragraph 3. Affiliation must be announced if so much as a single document referred to in article 25, sub-paragraph 3 exists, regardless of whether or not it was produced by the examined person. Such a legislative approach was adopted in view of the fact that a large volume of files had been destroyed (what remains of these files are registration documents and a small amount of other documents). Any other approach would serve the objectives of the people who ordered the destruction of those records.

After determining and announcing the affiliation of public figures or holders of public functions to the former State Security and intelligence services of the Bulgarian National Army, the Committee has to publish a resolution on its website and in its official bulletin, released in compliance with the law.

G. What type of information shall not be published?

- Information about deceased individuals shall not be published.
- Information about persons who reported or consented in writing to report to the state security services before reaching the legal age of 18 years shall not be published.
- Persons who were subject to preliminary examination under the provisions of article 27 may avoid the announcement of their affiliation to the State Security. They can do so by withdrawing their nominations for public office or public service within three days upon receipt of a written notification of the outcome of the examination. This option does not apply to people who were registered at election committees to run in elections. Information on their affiliation will be made public regardless of whether withdrawal takes place or not.
- Persons born after 16 July 1973 shall not be subject to examination.

H. What are the rights of citizens?

Everyone is entitled to:

- access to information collected about them or their deceased spouse or relatives up to and including the second degree in a direct line of descent;
- access to the documents of the bodies referred to in article 1 for research and publishing purposes by virtue of the Access to Public Information Act.

The access to documents involves the right to personally consult the records, obtain document copies and request disclosure of the names of persons who provided information in the case. This right is exercised by means of a written application which contains an explicit request to reveal the identity of those persons. Having been granted access to the resources, applicants have the opportunity to personally consult the documents in the reading room of the Committee.

If the documents contain references to third parties, whose mention could seriously affect the rights and legitimate interests of these parties, and no explicit written consent for disclosure is given by those parties or their heirs, copies of documents shall not include the information regarding those third parties. In such a case, the applicant shall sign a declaration of non-disclosure of the circumstances which have come to his/her attention. In practice this means that applicants, as a rule, have the right to personally examine the original documents, but if no consent is provided by the third persons mentioned in those documents, all information regarding the latter will be removed from the copies.

Persons whose affiliation has been announced in a resolution of the Committee have the right to examine the documents in their personal and working files. It is their right to appeal the decisions of the Committee in accordance with the provisions of the Administrative Procedure Code. An appeal nevertheless shall not suspend the publication of these decisions on the website and in the bulletin of the Committee.

I. What are the obligations of citizens and institutions?

1. **Physical persons, legal entities and institutions** do not have the right to publish or announce in any other way documents or parts of documents that provide evidence for affiliation to the bodies referred to in article 1. Violators of this prohibition bear criminal responsibility under article 273 of the Criminal Code. There is, however, no legal requirement which prevents physical persons from announcing their own affiliation.
2. **Physical persons, legal entities and institutions** which are in possession of original documents of the bodies referred to in article 1, have the obligation to submit them to the Committee. Failure to fulfil this requirement will result in a penalty according to article 313b, paragraph 2 of the Criminal Code.
3. **If officially invited, officials and citizens** are obliged to appear before the Committee within seven days upon receipt of the notification and submit the requested information and documents.
4. **Reference aids and archival documents** of the bodies referred to in article 1 can only be used upon permission of the Chairperson of the Committee.
5. **It is the duty of the heads of the security services** to have the undercover officials and collaborators holding public positions or public service functions removed from their positions, and to notify the Committee thereof. Any failure to fulfil this obligation will lead to actions taken in accordance with article 284b of the Criminal Code.



3. Legal Form and Structure of the Institution

The Committee is an independent body entrusted with ensuring access to, disclosing, using, keeping and handling the archives of the former State Security and the intelligence services of the Bulgarian National Army (BNA). The principles of accountability and transparency apply to every aspect of work. All resolutions are published on the website of the Committee, while activity reports are produced and submitted to the National Assembly on a semi-annual basis.

Members of the Committee must have no previous connection to the State Security and the intelligence services of the BNA and not be employed by the current special services. The principle of lustration, as far as membership of persons affiliated to the State Security and BNA intelligence services in election and government structures is concerned, is only employed in the relevant law. Authorisation to access classified information is a further requirement for membership. Committee members are elected for a five-year term.

This Committee's first term of office ended in April 2012. Second mandate members were chosen in May 2012 by the 41st National Assembly as follows: Evtim Kostadinov (Chairperson, second term), Ayrush Hadzhi (Deputy Chairperson), Mariana Darakchieva (Secretary), and members Apostol Dimitrov (second term), Boris Mihaylov, Georgi Pangarov, Vanya Zhekova, Ekaterina Boncheva (second term), Orhan Ismailov (second term).

The Committee is represented by its Chairperson, who is also in charge of the budgeting. The Chairperson is responsible for managing the implementation of resolutions and communicating activities to the public through the mass media. The Deputy Chairperson provides assistance to and substitutes the Chairperson in his/her absence while the Secretary administers ongoing activities. Members of the Committee are of equal status and act on its behalf in conformity with the LADDAABCSSISBNA. The Committee meets to deal with issues within its area of competence. Decisions are adopted by open vote.

Regardless of their political affiliation, all members of the Committee are united by a general motivation to strictly follow the law and publicly expose the truth about the former secret services.

The Committee's structure of administration is divided into directorates, departments and sections. It is the objective of our dedicated staff of 103 employees, mostly young and highly motivated people, to further public knowledge about the past.

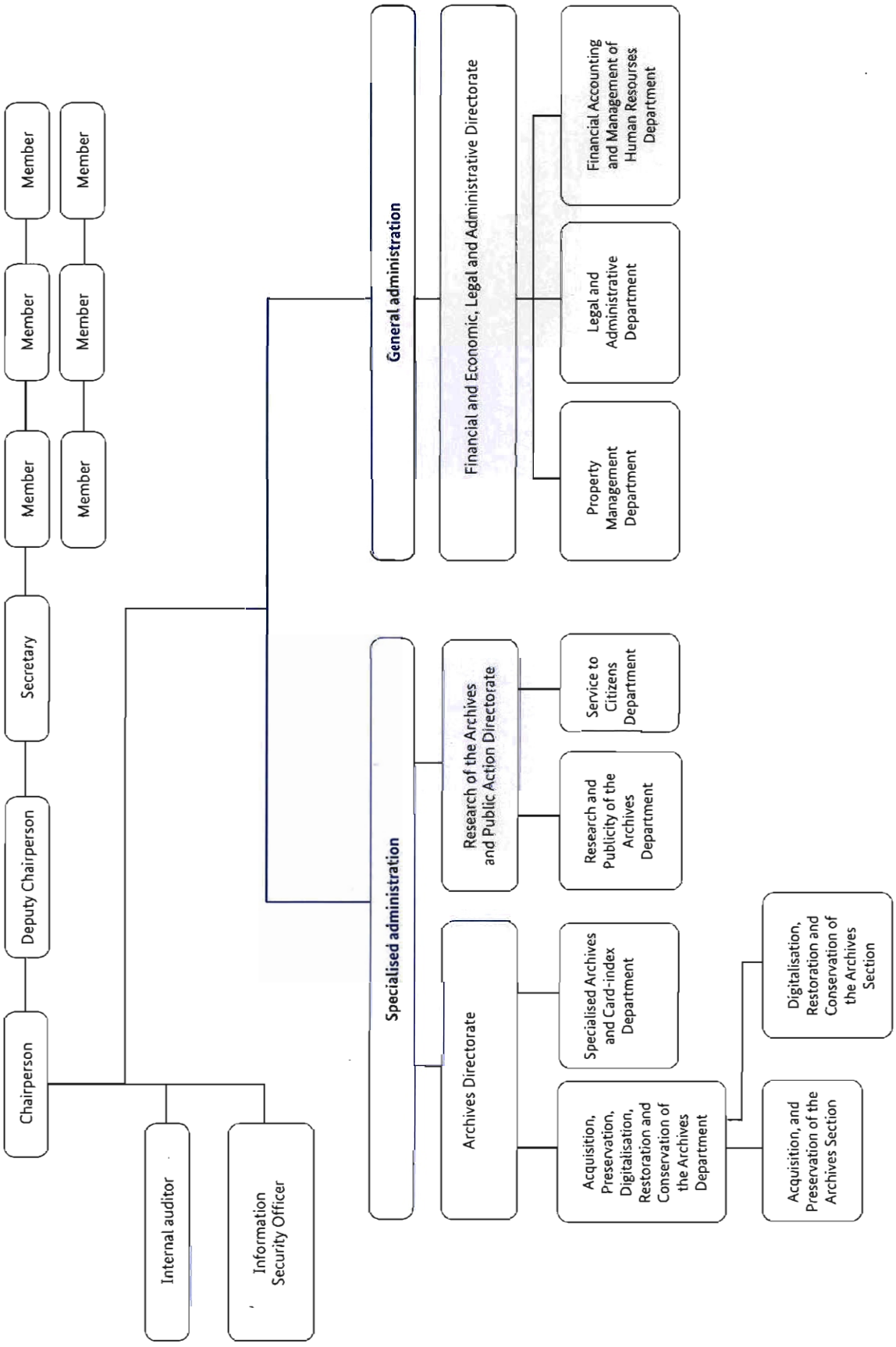
Members of the administrative staff of the Committee are subject to examination under the Classified Information Protection Act and its implementing rules.

There is general and specialised administration.

1. **General administration** is involved in:
- elaboration of regulations and internal rules governing the work of the Committee;
- procedural representation thereof;
- organisation and handling of books and accounts;
- management and supervision of financial operations;
- coordination of the management of human resources;
- the proper use of the Committee's property.

2. **Specialised administration is involved in:**
- acquisition, preservation, digitalisation, restoration and conservation of archival documents;
- coordination of the overall cycle of activities: search, study, analysis, appraisal and access granting as far as files are concerned;
- drafting of the resolutions of the Committee determining and announcing affiliation;

Structure of the Committee



- research and production of documents for educational and information purposes;
- management of the contacts between the Committee and international bodies and institutions.

When performing their operational duties, administrative employees act in accordance with the detailed internal rules of procedure.

4. Action on Documents and Delivery Status

In compliance with legal requirements, the Committee has established centralised archives to house the documents of the SS and the intelligence services of the BNA. Work commenced immediately to acquire and compile related historical records. Meanwhile, the construction of a modern site began in Bankya. The two buildings of the archives are end destinations and state-of-the-art shelving facilities that maintain a controlled temperature and humidity environment, prolonging the useful life of the original materials.

This was a challenging project with more than a few obstacles to overcome to secure permanent housing for the files. The official opening of the centralised archives of the Committee in Bankya took place on 8 February 2011 following major repairs work. Relying on up-to-date technologies, thirteen permanent and nine temporary depositories provide accommodations for the documented legacy of the past. Descriptive inventory of all documents is available. Each deposit of records is placed within the organisational arrangement and classification scheme to reflect its origin and the principle of provenance. Housed in a build-up area of 2,364.01 square metres and a total floor area of 10,926.04 square metres, the centralised archives have their own laboratory for disinfection, restoration and preservation of documents.

All documents of interest are collected from the bodies referred to in article 1 of the applicable law and handed over to the Archives Directorate, comprising the Specialised Archives and Card-index Department (SACI) and the Acquisition and Preservation of the Archives Department (APA).

Data files on secret collaborators, files of staff employees, archival diaries, registers and registration diaries, files on operative targets, destruction protocols, files on archive groups are kept at the **Specialised Archives and Card-index Department**. Archival files are kept safe at the **Acquisition and Preservation of the Archives Department (APA)**. During this first phase of stocktaking, the centralised archives have become the end destination for 881,572 paper files consisting of more than 9,000 linear metres, 5,651 photographic negatives of documents, 5,353 documents in electronic form and 251 video recordings taken on 35-millimetre film for demonstration purposes. The number of items processed and deposited on the new storage premises is estimated to have reached more than two million paper documents within the first year following the opening of the centralised archives. These numbers increase when information in electronic and analogue format, negatives and additional reference material is taken into account.

5. Access to the Secret Files

More than 8,000 visitors had come to our reading room by the end of 2012. More than 13,000 applications requesting access to the files were submitted. Under the Political and Civil Rehabilitation of Victims of Repressions Act, 6,058 applicants have exercised their right to access the records centre. Thus far, 1,050 journalists, researchers and fact finders have requested access to consult the collections.

The centralised collection of records draws increasing attention from the general public and experts alike. Reference aids and search mechanisms devised to facilitate information retrieval are made available for the specific purposes of research and study. A growing interest has been recognized among foreign scientists and analysts are looking more closely at the historical facts. The archives have become source material for scholars and writers. Several publications, books, movie scripts, documentary and feature films, have been produced, based on the data stored in the archives.

To extend access to the documents of the State Security and the intelligence services of the Bulgarian National Army to a wider audience, the Committee successfully achieved its main goals to:

- set up a new, better-equipped and more spacious reading facility to meet the specialised purposes of journalists, researchers and fact finders;
- further elaborate the internal rules of procedure of the Service to Citizens Department to enhance work performance and improve the availability of



written resources at the centralised archives of the Committee;
- apply a new, more flexible approach to citizen service aiming to avoid delays in handling requests for access.

6. Collaborations

The Committee has taken it upon itself to conduct its work in the spirit of openness and in cooperation with state institutions, non-governmental and public organisations. The Committee is a frequent promoter of a rich variety of respected international conferences and its members regularly participate in scientific forums, discussions and events at home and abroad. The Committee has set up a platform for researchers and opinion-makers to investigate the legacy of the former secret services in light of the documentary evidence they left behind. A significant aspect of the Committee's activities is the close cooperation with academia. Bilateral agreements for collaboration in research work and joint analysis of the documents of the archives have been signed with the Sofia University and the New Bulgarian University. These cooperative activities include a comprehensive mix of research, education, promotion and administrative activities pertaining to the process of exploration, processing, digitalisation and dissemination of the documented legacy. In 2013, work also began on a joint project to be carried out by the Committee and its reliable partner in the Archives State Agency. The project will conclude with the publication of a collection of documents and a display exhibition. A number of other shared initiatives to be carried out jointly with the Bulgarian National Film Archive are underway.

From the very beginning, the Committee for disclosing the archives of the Bulgarian communist secret services of the past has attracted wide international attention. On 16 December 2008, it joined its many partners from the former Eastern Bloc countries to become one of the founding member organisations of the European Network of Official Authorities in Charge of the Secret Police Files, which consists of seven member countries (Bulgaria, Germany, Poland,

Romania, Slovakia, Hungary and the Czech Republic) and four observer countries (Estonia, Latvia, Lithuania and Slovenia). Participation in the European Network will provide its member states with new ways to increase awareness of the social and public significance of opening of the files, provide legal access to them and conduct independent research. Between July 2011 and February 2012 the CDDAABCSSISBNA held the presidency of the European Network of Official Authorities in Charge of the Secret Police Files.

The Committee's primary task for the 2012–2017 mandate is to concentrate its international efforts and future operations, to continue to collaborate with partner organisations from the European Network of Official Authorities in Charge of the Secret Police Files, and to actively participate in joint partnership action. The Committee is taking steps to apply for a second term as presidency of the European Network (which is based on the rotation principle) The Committee has set itself the objectives of:

- participating in research initiatives and programmes of partner organisations;
- engaging in joint projects;
- taking part in public forums and events promoted by its international partners from the European Network;
- encouraging its members to participate as speakers in international scientific meetings;
- extending international cooperation to other non-member countries of the European Network.

7. Perspectives of the Institution in the Light of the Public and Political Debate

In 2008, when the Committee assumed its active duties, the public did not express strong interest in the secret files. Doubts and suspicions concerning the role and function of this newly created institution prevailed, caused more by public scepticism than a political-driven lack of confidence. A whole variety of reasons were at play. There were, on the one hand, questions raised about the credibility of information and legitimacy and integrity of the archives, and, on the other hand, doubts about whether all collaborators of the former State Security would be exposed. Statements made by elected political figures, analysts, persons already examined or pending examination, continually played on the public's general fears. The Committee was perceived as an instrument in the hands of figures of authority that would be twisted and manipulated to serve the interests of people in positions of political power. A mere 17% of the participants in the survey expressed any interest at all in the dealings of the Committee with the secret police files. Meanwhile, public opinion and attitudes were, as a whole, in favour of the legislation governing its operations. Among the participants polled, 44% took a positive attitude towards publicly announcing all public figures affiliated to the communist secret and intelligence services, while 25% objected to the idea. A relatively high number of people – 31% – expressed no opinion on the subject.

One year later, in 2009, analysts were already of the opinion that *the work of the Committee is recognised as a worthy mission and a significant historical contribution.* The sense that things are finally falling into place had generated a 6% drop in the level of distrust towards the Committee over the period of a single year. Within the same time period, opinions solidified and stable attitudes developed towards the idea of announcing all public figures affiliated to the communist secret and intelligence services. Half of the Bulgarian population demanded a lasting solution to the problem.

The bias against the Committee, manifested in the assumption that its work would undermine national interests and jeopardise national security is on the decline. This is a direct result of the working methods adopted and practiced by the Committee so far, as well as of the successful teamwork and partnership between its members.

A large portion of the poll participants interviewed in 2009 felt the Committee needed to make a effort to build an archive for the files of the former secret services, which would be marked in national history as an important contribution to documenting history. Support for this idea reflected an awareness of the importance of preserving historical memory for generations to come and of having 'a solid evidence base' to address the issue. As a reminder of our most recent history, the issues concerning the secret police files must not remain vague and, importantly, must not remain unresolved for younger generations of Bulgarians. However, while the process of investigating and announcing affiliation is underway, it has not proven easy to involve young people in the subject, to engage their attention or spark their interest.

The interest of the Bulgarian community in the affairs and decisions of the Committee concerning current public figures continued to rise in 2010. The Committee made itself more visible and recognisable to local audiences while also drawing the attention of broader segments of society. The social and demographic profile of survey respondents over the years suggests a double increase in the number of young people under the age of 30 who are interested in the resolutions published by the Committee for the secret police files. The polls show more than a mere statement of increased public interest. The Committee had also managed to attract strong media and social attention, assuming its place in the media landscape, enhancing its image in the public eye, and achieving a two-way communication with a wider audience. A large and growing number of respondents are convinced that full disclosure of the identity of all public figures formerly affiliated to the state security services is the correct approach. This further indicates a steady increase in public approval rates for the Committee, its proceedings and their outcome. **Permanent and, above all, positive changes in public sentiment are taking place at a slow pace, but with a lasting impact.**



Perceptions of the Committee as law-abiding institution acting in strict compliance with the rule of law and avoiding tension and conflicts remained unchanged for many years. In early 2012, 23 years since the onset of democratic changes, some 48% of Bulgarians hold the opinion that the former State Security was a repressive apparatus. Other respondents find that this description neither fits, nor aptly describes the modus operandi of the former services of the State Security, but this group is five times smaller than the former. Bulgarian society is experiencing a steady increase in the numbers of citizens insisting that affiliation of all public figures to the former state security services should be common knowledge (44% in March 2008 compared to 57% in February 2012).

A constant high percentage of well-educated, well-to-do residents of the capital and of big cities between the ages of 40 and 60 acknowledge having an interest in what the Committee is doing. Younger generations are increasingly interested in the work of the Committee for the Secret Police Files. The share of respondents under the age of 30 who are aware of the work of the Committee has increased from 9% in February 2009 to 29% in 2012.

The new generations of Bulgarians appear to have developed a gradual interest in the Committee's mission and activities after the facts could be presented in a calm and reasonable manner without the interpretation of events triggering disturbances and commotion, and now that there are archives to ensure a prominent place for the secret police files in recent history. Thus

the new generations became increasingly aware and informed about a wider range of topics.

The performance of the Committee for the secret police files has generally been assessed positively over the years. One-fourth of Bulgarians participating in the survey recognised the Committee's efforts to raise public awareness about the subject of the secret files. This represents a 10% increase in the recognition of its status since its establishment. In the 2008 polls, the number of respondents maintaining the opinion that the Committee was failing in its duty to engage the attention of the public and promote the topic was twice the number as poll participants insisting on the exact opposite. Now the tables are reversed. An equal number of respondents feel positive and negative about the impact of the Committee. About **two-thirds of those closely following its proceedings acknowledge the accomplishments and role of the Committee in raising awareness and enhancing the popularity of the topics on its agenda.**

Online visitor traffic to both the website of the Committee and specialised online news media on the subject has increased in recent years. This trend has highlighted the need and demand for trusted sources providing reliable information.

In the beginning of the Committee's second mandate, nearly one-third of the Bulgarian citizens expressed their approval of potential changes to the relevant legislation on the secret police files; 25% were looking forward to seeing the scope of examined persons extended, a development brought about by the later amendments to the law. Older generations who share this view believe that before turning this page of history, it is important to read it in a loud and intelligible voice. It can be safely assumed that the ease of use and access to this kind of information will shape the younger generation's awareness of the history of secret police files.

Institute for the Study of Totalitarian Regimes and Security Services Archive

Czech Republic

1. Founding History

The Institute for the Study of Totalitarian Regimes (www.ustrcr.cz/en) and **Security Services Archive** (www.abscr.cz/en) are independent state bodies founded by Act No. 181/2007 Coll. They assumed work on February 1, 2008. Their guiding motto, set forth in the Act's preamble, states: "Those who do not know their past are condemned to repeat it."

Inspiration for the creation of an independent body dedicated to examining the recent totalitarian past came from already operational institutes in neighbouring countries. The creation of the Nation's Memory Institute in Slovakia in 2002 was a particularly poignant catalyst, as it increasingly resulted in historians and researchers being offered better access to security services documents in one part of the former Czechoslovakia than the other. While differing perspectives about the need, remit and shape of such an institution abounded in the Czech Republic, there was general agreement that one of its key missions would be to remedy the public's, and especially schoolchildren's, acute ignorance of their recent turbulent history. The original resolution of the Czech Senate of June 21, 2006, considered a coming to terms with the communist regime as a duty, and called for the establishment of a "Nation's Memory Institute", containing an archive within it, that would be devoted to the examination of the criminal and reprehensible organisations founded on the ideology of the Communist Party of Czechoslovakia, and which in their activities between 1948–1990 oriented themselves towards the suppression of human rights and a democratic system. Extensive debate and multiple readings resulted in a final law, dated June 8, 2007, creating a broader Institute for the Study of Totalitarian Regimes (and subservient Security Services Archive), required to examine not only the time of communist totalitarian power (1948–1989), but also preparations leading up to that seizure of power as well as the designated time of non-freedom (1938–1945).

Milestones of the Institutions

2007

June 8. The Parliament of the Czech Republic passed a law establishing the Institute for the Study of Totalitarian Regimes and the Security Services Archive (Act No. 181/2007 Coll).

ústav pro studium totalitních režimů

October 1. Secretariat of the Government Commissioner was created to prepare the establishment of the Institute for the Study of Totalitarian Regimes and to ensure its proper operation.
December 5. Members of the Council as the highest authority of the Institute for the Study of Totalitarian Regimes were elected by the Senate of the Parliament of the Czech Republic.

2008

January 1. Pavel Žáček was appointed the first Director of the Institute for the Study of Totalitarian Regimes.
February 1. The Institute for the Study of Totalitarian Regimes and the Security Services Archive became fully operational. The Archive took over about 17 thousand running metres of archival material and documents, including microfiches and microfilms.
February 4. Ladislav Bukovszky was appointed the first Director of the Security Services Archive.
July 25. The Security Services Archive initiated a project to publish on its website digitized registration and finding aids of the operative agenda of former counter-

intelligence sections of the State Security Service from 1954–1989.

2009

February 3. The Security Services Archive published registration records of the former Main Intelligence Directorate (1st Directorate) from 1954–1989 on its website.

April 10. The Institute for the Study of Totalitarian Regimes published digital documents on international cooperation of the Ministry of the Interior and the State Security Service from 1958–1989 on its website.

archiv bezpečnostních složek

July 10. The Security Services Archive, in collaboration with the Institute for the Study of Totalitarian Regimes, launched the pilot part of the Electronic Archive project.

November 9. The Institute for the Study of Totalitarian Regimes started a project to disclose on its website, personal files of former officers of the State Security Service central sections, for the period ending on 17 November 1989.

2010

February 1. The Security Services Archive launched the system of electronic searching in the personal files of former officers and employees of the security services of the communist regime.

March 1. The Security Services Archive published archival records of the Intelligence Directorate of the General Staff.

August 20. The Institute for the Study of Totalitarian Regimes published summaries of the KGB USSR from 1968 and 1969 on its website.

2011

December 7. The Security Services Archive received from the Czech National Archive 33 linear meters of historically-important archives concerning political trials held from 1950–1954.

December 18. Act no. 262/2011 Coll. on participants in the resistance and opposition against Communism came into effect. The Security Services Archive is significantly affected by this law since its goal is to acknowledge participants of anti-Communist resistance in Czechoslovakia – over 1 500 standpoints have been elaborated. The Institute for the Study of Totalitarian Regimes is also participating on the agenda of this Act and closely cooperates with the Ethical Commission of the Czech Republic on the acknowledgement of questionable cases of resistance and opposition.

2012

January 1. A three-year educational project supported by the European Structural Funds and Ministry of Education was launched. The project will publish 4 DVDs with methodical instructions for teachers of basic and high schools.

December 19. New organisational structure of the Security Services Archive was adopted.

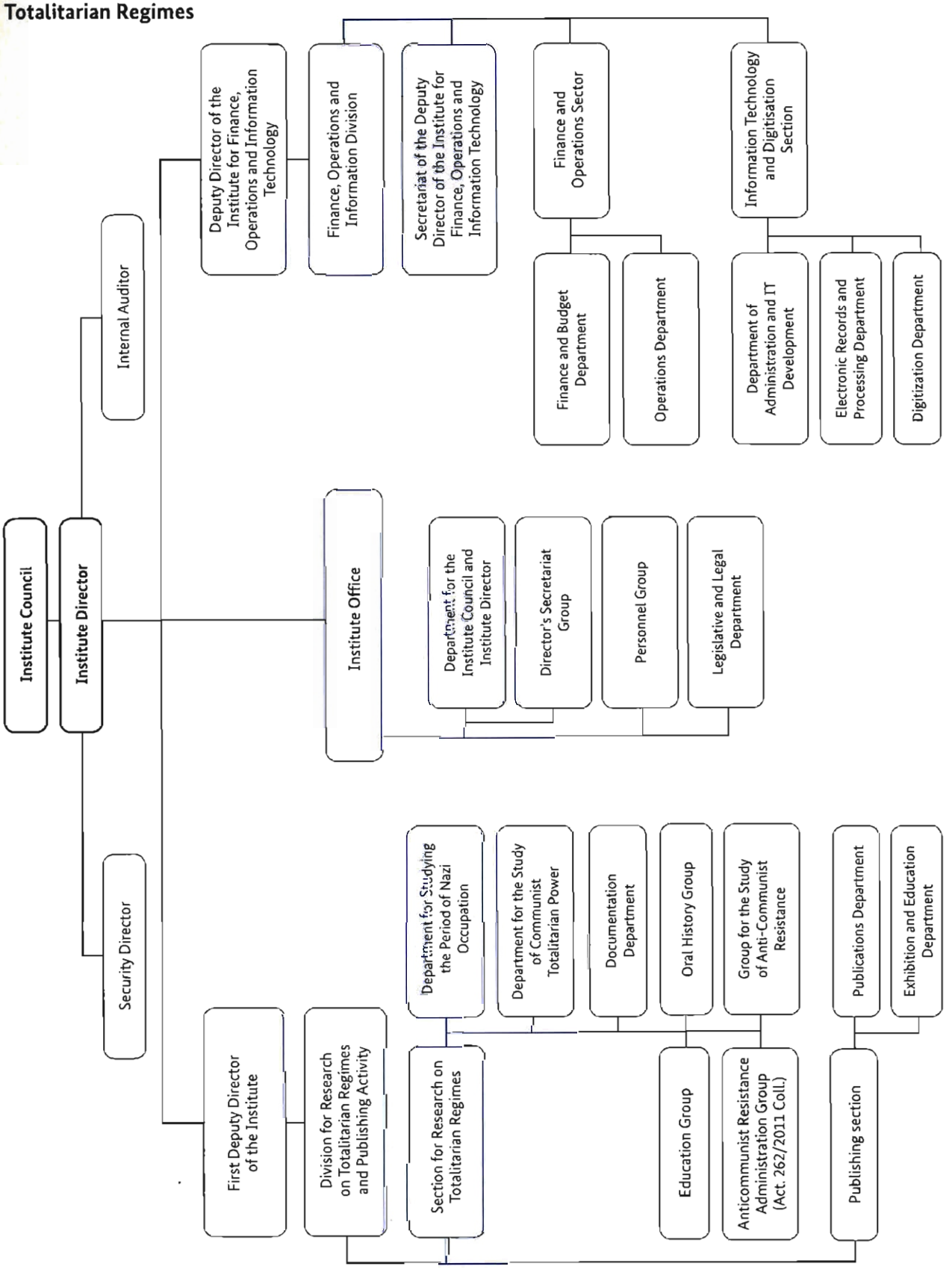
2. Legal Mandate and Tasks of the Institutions

Tasks of the Institute for the Study of Totalitarian Regimes

Pursuant to Article 4 of Act No. 181/2007 Coll., the Institute:

- studies and impartially evaluates the time of non-freedom and the time of Communist totalitarian power; examines the anti-democratic and criminal activity of state bodies, especially its security services, and the criminal activity of the Communist Party of Czechoslovakia (KSČ), as well as other organisations based on its ideology;
- analyzes the causes and methods of liquidation of the democratic regime during the time of Communist totalitarian power; documents the participation of both local and foreign elements in support of the Communist regime as well as in resistance to it;
- secures and makes accessible to the public documents relating to the time of non-freedom and the time of Communist totalitarian power, particularly about the activity of the security services and means and forms of both persecution and resistance;
- converts acquired documents into electronic form without unnecessary delay;
- documents Nazi and Communist crimes;
- provides the public with the results of its activity, in particular by publishing information about the time of non-freedom and the time of Communist totalitarian power, and about the deeds and fates of individuals; publishes and disseminates publications, organizes exhibitions, seminars, professional conferences and discussions;

Organisational Structure Institute for the Study of Totalitarian Regimes



- cooperates with scientific, cultural, educational and other institutions for the purpose of exchanging information and experience relating to professional issues; and
- cooperates with foreign institutions and individuals of similar orientation.

The Institute's three main activities can be broken down in more detail.

Research, scholarly enquiry and documentation

As per Act No. 181/2007 Coll., the Institute's section responsible for these areas carries out historical research on selected themes in Czechoslovak history from the time of non-freedom (1938–1945) and the time of Communist totalitarian power (1948–1989), including preparations for the seizure of power. It investigates and impartially evaluates both periods, analyzes the causes and methods of liquidation of the democratic regime, collects and makes available documents on the time of non-freedom and the time of Communist totalitarian power, and documents the participation of locals and foreigners both in support of the totalitarian regime and in resistance and opposition to it. Finally, it documents Nazi and Communist crimes and records testimonies of living witnesses.

Publications, exhibitions and education

The Institute publishes monographs, anthologies and series of specialized documents and periodicals, including the quarterly *Paměť a dějiny* (Memory and History) and the semi-annual *Securitas Imperii*. It further contributes to social discourse concerning totalitarian regimes through the organisation of exhibitions (such as *Prague Through the Lens of the Secret Police, Voices of Freedom – Radio Free Europe in the Cold War Era* and many others exhibitions which are shown throughout the world in different languages.) The institute also organizes national and international seminars, conferences, film screenings and lecture cycles for both scholarly and non-academic audiences.

The Institute also makes full use of its Web presence (in both Czech and English versions) in the presentation of specific themes, highlighting relevant documents and additional archival materials (especially photographs and audio-visual materials). Institute educational projects focus on professional cooperation with schools. Their objectives are twofold: to enrich the supply of educational materials and teaching aids to facilitate the teaching of modern history, and to help teachers orient themselves in issues of contemporary history and its presentation to pupils and students. Direct cooperation with schools in the form of methodological teacher training, which acquaints teachers with innovative methods for the teaching of contemporary history and provides them with teaching material, is a key component.

The Institute staff lectures regularly at a number of Prague and regional universities, as well as at international conferences organized by the Institute or its international partners. Several research projects review various aspects of the non-democratic past.

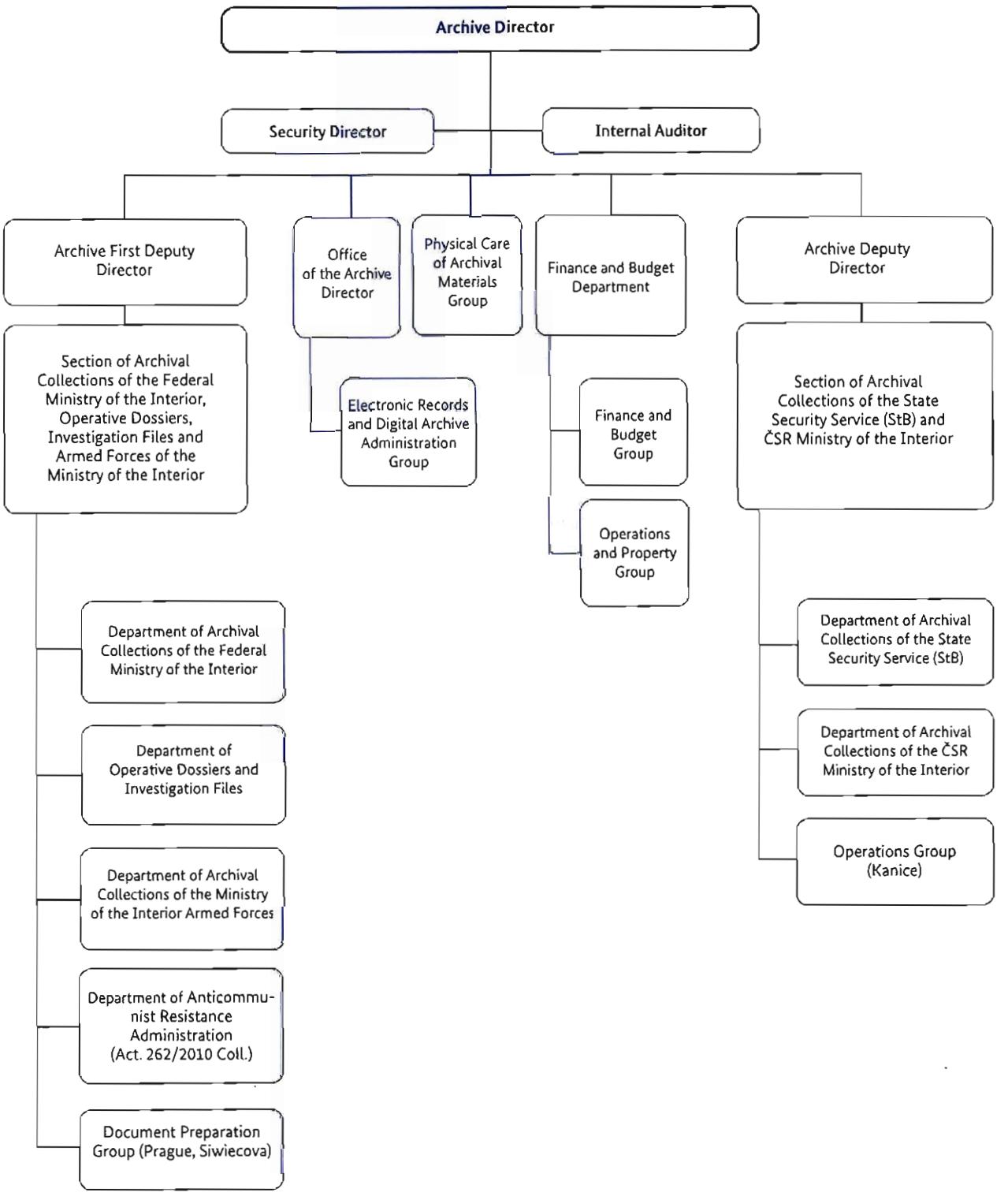
Conversion of documents into electronic form – digitization

The third primary focus of the Institute is the conversion of documents, original archival materials as well as microfiche copies, from the archival records of the Security Services Archive into electronic form and the construction of a digital archive. The digitization of the entire body of archival material administered by the Archive is carried out by the specially entrusted Department of Informatics and Digitization of the Institute on the basis of an agreement between the two institutions. The Institute carries out the digitization of selected material following a mutual agreement and according to current needs. However, after the new Act No. 262/2011 Coll. on participants in the resistance and opposition to communism was adopted, it became clear that it was necessary to readdress the entire function of systematic digitization and dedicate it to the official requests of the Archive, respectively the administrator of the law, the Ministry of Defence.

Staff in the digitization section convert several archival units daily (approximately 15 thousand pages/day) into electronic form. From the creation of the Institute and the Archive until 1 January 2013, more than 147 thousand archival/inventory units (over 28 million files) have been created. Within the joint pilot project, digitized documents are systematically stored in the Electronic Archive, which is used by the employees of both the Archive and the Institute, and which also provides electronic copies to researchers.

By now many of the digitized archival units are freely accessible through the Institute and Archive online projects. To date, the Department of Informatics and Digitization has, in cooperation with the Archive, processed and made public 1,015 digitized archival instruments (protocols), representing approximately

Organisational Structure
Security Services Archive



1.3 million database records. More than 71,000 digitized files are available for search and download. This serves as a search aid for researchers looking for specific information on "persons of interest". The Security Services Archive also published digital versions of interim inventories of individual archival collections. An electronic reading room is another project on the Institute's site.

The Institute and the Archive cooperate with other institutions on the digitization of archival materials (National Remembrance Institute, United States Holocaust Memorial Museum in Washington, DC, Boston University, the Hoover Institution Archives, Stanford University, Czech Radio, Vatican Radio, etc.).

Functions of the Security Services Archive

Pursuant to Article 13 of Act No. 181/2007 Coll., the Archive:

- ensures access to and makes public documents and archival material concerning the security services;
- ensures access to documents and archival materials and provides needed assistance and information to state bodies authorized to access security proceedings and to investigate according to the Act on the protection of classified information, to the Czech Republic's intelligence services in the fulfilment of their duties, and to investigative, prosecuting and adjudicating bodies for the purposes of criminal proceedings;
- facilitates the viewing of deposited archival materials based on the terms established by the Act on archival activity and record services and the Act on ensuring access to files of the ensuing activities of the State Security Service (StB);
- retrieves documents from the deposited archival material that are requested by state administrative bodies, territorial self-administration units and legal and natural persons, and makes copies and transcripts thereof; and
- makes decisions regarding archival administrative procedures and record services.

To these ends, the Security Services Archive engages in the following duties.

Preservation of archival materials, records and collections

The archival materials administered by the Security Services Archive are considered part of the national archival heritage. Overall care of these archival materials belongs among the Archive's basic duties; this includes preventive protection, conservation and restoration of both paper materials and microfiche. The Archive ensures the conservation and restoration of archival materials in cooperation with the National Archive of the Czech Republic, and is currently building its own conservation workshop.

Making archives and documents accessible: Administrative Activity

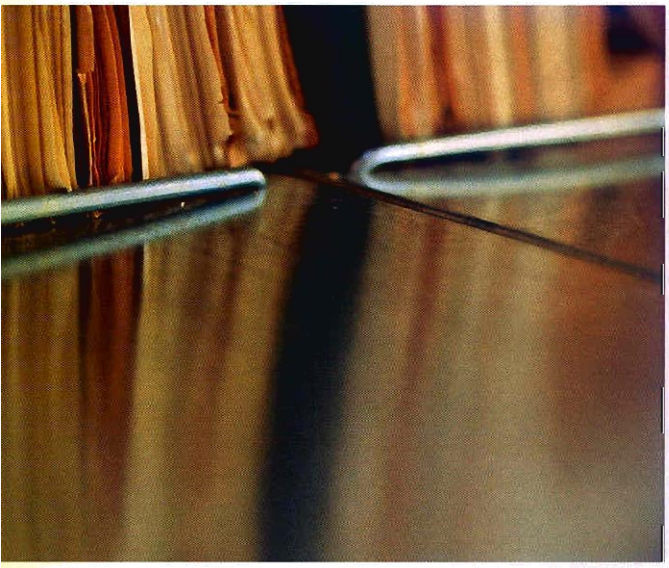
The Archive responds to official and research requests, which it looks up in the original State Security Service (StB) database, as well as in databases that have been created by Archive staff. Research requests are further verified in the database of subject and surveillance files and in the inventories of archival collections. Most of the official requests come from the National Security Office (Národní bezpečnostní úřad – NBÚ – concerning security investigations) and from the Security Section of the Ministry of the Interior (carrying out legally mandated vetting, or "lustration").

Scholarly and Research Activity and Publishing

Archive staff perform specialized and expert research in archival science, history, and related fields. The range of issues the archivists concern themselves with includes the general history of the time of nonfreedom, the history of the administration of the perpetrators, the organisation of Ministry of the Interior and State Security services, record services, etc. They create synthetic and analytic finding aids, inventories, inventory registers, catalogues, as well as guides to archival records or documentary histories. Archivists also cooperate on scholarly projects of the Institute and contribute to joint exhibitions featuring archival materials and documents. Archive and Institute staff further cooperate in the field of publishing, especially of the annual or biannual Security Services Archive Anthology, a specialized periodical featuring original scientific work on developments in history and archival science, the historical development of the security apparatus or state administration, the persecution of citizens, and additional topics related to the functioning of totalitarian regimes both at home and abroad. Further joint publishing efforts include scholarly studies of Archive staff, a guidebook to the Archive's collections *(Proceedings of the Security Services Archive)*, and importantly, the Archive's Web presence in both Czech and English languages.

3. Legal Form and Structure of the Institutions

The **Institute for the Study of Totalitarian Regimes** has the status of an independent state body and its activities can only be altered by a change in the law. The highest authority of the Institute for the Study of Totalitarian Regimes is the Council of the Institute, which consists of seven members who are elected by the Senate of the Parliament of the Czech Republic. The Council of the Institute nominates and dismisses the Director of the Institute. Council members are suggested by the President of the Republic; the lower house of Parliament; and civic associations focused



on history, archival science, research, education and human rights, as well as groups representing former political prisoners or members of resistance and opponents of Communism and Nazism. The upper chamber of the Parliament of the Czech Republic, the Senate, votes to assign the Council from the list of nominees. The Council appoints the Institute's Director, who in turn names the Director of the Security Services Archive.

The **Security Services Archive** was created under the same law as the Institute for the Study of Totalitarian Regimes. The Archive is an administrative entity directly responsible to the Institute for the Study of Totalitarian Regimes. Responsibility for the Archive belongs to the Director, who is named by the Director of the Institute based on discussion with the Institute's Council. The Institute and Archive together employ 248 staff; of these, 125 work for the Archive and 123 for the Institute. The staff consists of historians, political scientists, archivists, educators, and support staff who manage its technical, administrative and economic affairs.

Cooperation between the Archive and Institute is extremely close, and is specifically defined by the provisions of Act No. 181/2007 Coll. Among the most important areas of cooperation are scholarly activity and publishing, and the digitization of archival materials.

The Institute's activity is predominantly funded by an independent section of the state budget, which is approved on an annual basis by the Parliament of the Czech Republic. For accounting purposes, the Archive falls under the Institute, and funding comes from the same budget.

4. Archival materials of the Security Services Archive

Pursuant to Paragraph 14 of Act No. 181/2007 Coll., the Security Services Archive has taken over archival materials which until the Archive's creation had been held by the Ministries of the Interior, Justice, Defence (including Military Intelligence), the Security Information Service (Bezpečnostní informační služba – BIS), and the Office for Foreign Relations and Information. It administers over 17 kilometres of archival material, stored in authorized depositories in four workplaces in Prague as well as in depositories in the Archive's workplace in Kanice, near Brno.

From the Ministry of the Interior of the Czech Republic

As of February 1, 2008, the Security Services Archive took over the administration of archival records and collections which until that time had been administered by the Department of the Security Services Archive of the Ministry of Interior. These are archival materials and documents from State and Public Security (Státní bezpečnost – StB and Veřejná bezpečnost – VB), divisions and organisational units of the Ministries of the Interior and National Security, Interior and Border Guards, the Armed Forces of the Ministry of the Interior, personnel and investigation files, operative volumes and volumes on subjects of interest.

They amount to 223 archival collections, or 16,389 linear metres of archival materials. Specifically, the volumes and files from the counter-intelligence and

investigation sections of the StB, preserved in paper and microfiche format, amount to 265,425 volumes and files, including about 7,700 volumes from Directorate IV (Surveillance Directorate) of the National Security Corps (Sbor národní bezpečnosti – SNB) and 141,575 microfiche sheets. Electronic databases were also taken over. A further 785 linear metres of files and volumes from SNB Directorate I (the Main Foreign Intelligence Directorate) were handed over.

From the Ministry of Defence and Military Intelligence

The archival material hand-over process began at the end of January, 2008, pursuant to an agreement made between Military Intelligence and the Security Services Archive, at which time the hand-over of former Military Counter-intelligence (VKR) registers and archival registers began. Archival materials and documents, finding aids, agent and operative volumes, file materials of an administrative nature, and orders and instructions from the chiefs of the Main Directorate of Military Counter-intelligence (VKR) are included. Papers from the Intelligence Service of the General Staff of the Czechoslovak People's Army and the organisation of the Communist Party of Czechoslovakia within its units, as well as an additional 437 bags of unorganized material, were also handed over.

From the Ministry of Justice of the Czech Republic and the Prison Service

The defined process included the hand-over of archival materials, file collections and further records, personnel files and operative volumes of the Section of Interior Security of the Ministry of Justice in the amount of 97 linear metres. The precise extent to which illegal shredding or destruction of documents from the provenance of the security services occurred at the end of 1989 and the beginning of 1990 is not confirmed, but current estimates suggest that approximately 30% of the documents was destroyed. In 2008, the Security Services Archive created a Department for Tending Archival Materials' Physical Condition. The staff of this department is only now carrying out an overall investigation into the physical state of archival materials and documents in the Archive's possession. We can generally say that the physical state of archival materials and documents is not ideal; at least 10% will probably require conservation and restoration. The archives of the Communist repressive services until the year 1989 were concerned with shielding archival materials, as opposed to conserving and restoring them.

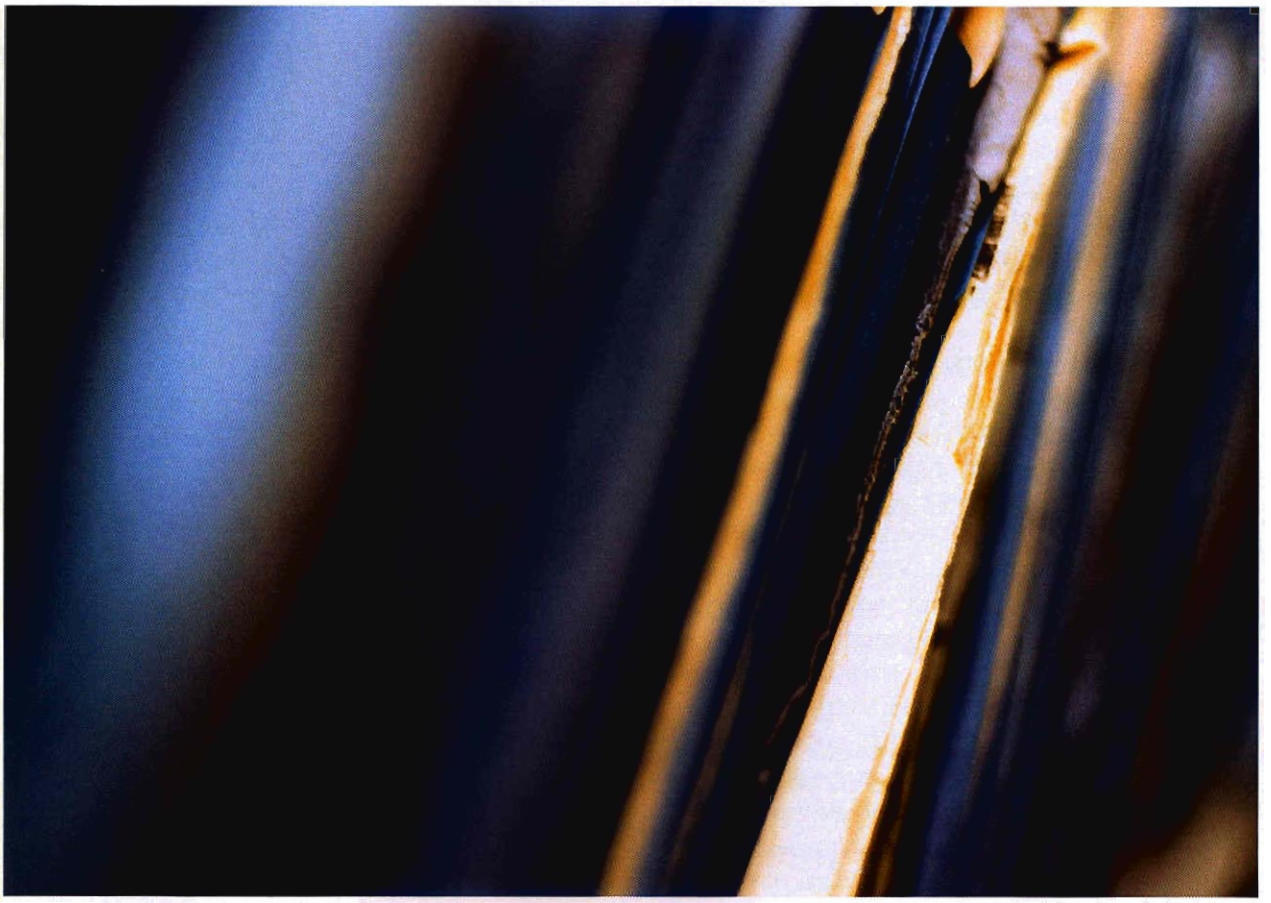


Mgr. Pavla Foglová, Director of the Institute

5. Access to the Files and Regulations for Dealing with the Files in Public

The laws on rendering archival materials of the security services of the communist totalitarian regime accessible are very liberal in the Czech Republic. Access to these materials is permitted for every natural majority-aged person with valid identification, whether citizen or foreigner. Furthermore, access is permitted not only for victims and their relatives, but to any other interested parties, including students, researchers, commentators or journalists, professional historians, etc. Finally, archival materials are accessible to their full extent, without blacking out or anonymization. It is understood that all who access the materials must respect the law on the protection of personal and sensitive information, and that these parties bear entire responsibility for any further treatment or use of the information obtained therein.

According to Act No. 499/2004 Coll. on archival science, passed in June, 2004, the review of archival materials deposited in archives of the Czech Republic, and the making of copies or extracts thereof, is permitted upon the submission of a written request by a natural person. In addition to this request, the person must provide a valid personal identification document (passport, official ID card, etc.). This law is generally binding with respect to the Institute and Archive. Section 7, Paragraph 1, of the law establishes that the review of archival materials is allowed only with respect to materials



older than 30 years, unless stipulated otherwise. Thus, pursuant to the stipulations in Act No. 181/2007 Coll. on the Institute and Archive, the statute does not apply to archival materials originating before January 1, 1990, from the activities of state organs, the activities of security services, or social organisations and political parties consolidated in the National Front. The law does not set any further limitation with regard to the access of individuals to archival materials.

Any researcher can study the materials maintained by the Security Services Archive, provided they respect the Archive's research rules. It is sufficient to request the appropriate archival material, either via the e-mail address badatelske.zadosti@abscr.cz or by sending a letter to the Archive's postal address. As soon as the archival material is located and prepared for the researcher's access, the said requester is informed and can visit one of the three research centres.

Two public research rooms are maintained by the Archive in Prague, and one in Kanice, near Brno. The research rooms are publicly accessible spaces in which archival material is made available for study. Computers are also available for the study of electronic copies of archival materials. Microfiche sheets can be studied on microfiche readers. Researchers can use their own photo equipment to make copies of the material being studied, or can make photocopies, with fees assessed according to an established price list also available online.

6. Cooperations

Beyond cooperation within the framework of the European Network of Official Authorities in Charge of the Secret Police Files, the Institute for the Study of Totalitarian Regimes and the Security Services Archive are actively forging international partnerships through a series of bilateral agreements with European counterparts in Poland, Slovakia, Hungary, Romania, Ukraine, and with the Office of the Federal Commissioner for the Records of the State Security Service of the former GDR (BStU) in Germany.

Since the establishment of the Institute and Archive, expanding collaboration beyond the scope of Europe

has led to cooperation agreements with US-based institutions such as the United States Holocaust Memorial Museum, Boston University, Hoover Institution Archives and the Woodrow Wilson International Center for Scholars in Washington, DC.

Practical benefits of such cooperation include the prospect of easier access to archival documents from institutions in other countries and the possibility of study placements or internships abroad for researchers. The Institute is also seeking to share its know-how with other post-Communist countries, which are in the initial stages of creating bodies dealing with their authoritarian past. The Institute further cooperates with a series of museums, organisations and institutions, chiefly in Central and Eastern Europe, dedicated to shedding light on the recent totalitarian past. Cooperation at these different levels has helped the Institute stage a series of international conferences and seminars putting the spotlight on key moments or themes in the countries' shared history.

Europe-wide moves to break down the vestiges of the Cold War divide that still hover over the continent are being promoted by the Institute. In November, 2008, the Institute hosted a working group aimed at establishing the framework for a Platform of European Memory and Conscience which would foster cooperation and a common approach to tackling Europe's totalitarian past. The Institute sought to build on this foundation during the Czech Presidency of the EU Council during the first half of 2009, co-organizing on March 18 the hearing "European Conscience and Crimes of Totalitarian Communism: 20 Years After" in the European Parliament. The hearing and the resulting Final Conclusions, signed by many participants, directly led to the adoption by the European Parliament on April 2 of the resolution "European conscience and totalitarianism," which among other things, expressly calls for the establishment of a Platform of European Memory and Conscience, as well as the proclamation of August 23 as a Europe-wide Day of Remembrance for the victims of all totalitarian and authoritarian regimes.

7. Perspectives of the Institutions

From 2008 to the present (2012), public interest in the Institute for the Study of Totalitarian Regimes and the Security Services Archive has remained approximately at the same level. In 2012, 1,693 interested parties visited the Archive's three research rooms for a total of 4,399 visits. A total of 29,800 archival units were provided for review.

These parties include staff of scholarly institutions, university students, educators, journalists, as well as private individuals, especially those persecuted by the communist regime and/or their relatives.
We have observed in the Czech Republic that the younger generation is especially beginning to recognize the relevance of institutions aiming to facilitate "coming-to-terms" with the past. To bring the necessary information to the public, digitization and accessibility of the digitized archives online must be achieved as a basis for further research. When the digitized project is finished, the documents will be relocated to the National Archive.

The initial sentence of the Institute's and Archive's founding law quotes from Santayana: "Those who do not know their past are condemned to repeat it." The two institutions thus function accordingly, bearing in mind the importance of transcending localized debates and coming to terms with the legacies of Communism and totalitarian regimes in Europe and on a global scale.

The Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic

Germany

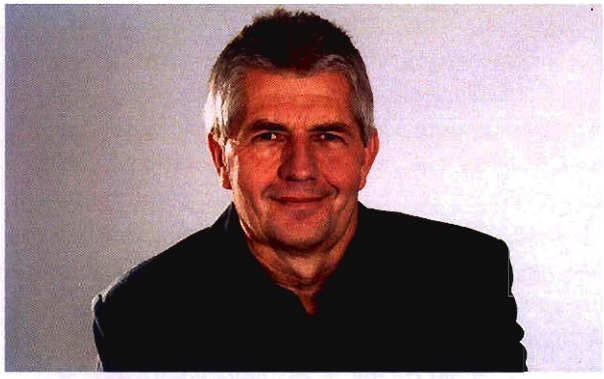
1. Founding History

The political foundations of the agency were laid in the autumn of 1989, when hundreds of thousands of citizens of the German Democratic Republic (GDR) took to the streets and brought down the SED dictatorship in a peaceful revolution.

In late November/early December 1989, plumes of smoke rising from the offices of the Ministry for State Security (MfS) signalled that its employees had begun destroying documents. Citizens responded by occupying the buildings. Their aim was to secure the files. In the offices they found huge piles of paper and endless shelves full of archival material. The SED government was meanwhile trying to reduce and rename its institutions in an effort to retain the structures of the secret service. But at the Round Table, opposition groups were able to achieve the resolution calling for the complete dissolution of the Ministry for State Security (MfS). To see this demand implemented, determined citizens occupied the headquarters of the Ministry for State Security in Berlin on January 15, 1990.

Civil rights activists wanted the records of the secret police to be made accessible to the public for the purposes of reappraising the past, rehabilitation claims and criminal prosecution. In the summer of 1990, following controversial discussions on how to deal with data that had been illegally attained by the MfS, the delegates of the first freely elected Volkskammer voted unanimously to have the MfS records opened while respecting people's right to privacy. The Unification Treaty between the GDR and the Federal Republic had initially stipulated for the files to be kept in the Federal Archives. They would have been sealed away for many years and perhaps partially destroyed. Public protests and renewed occupation of the former MfS headquarters in September 1990 achieved that the demand to have the MfS records be open to the public was integrated into the Unification Treaty between the Federal Republic of Germany and the GDR.

From October 3, 1990 until the passing of the Stasi Records Act (StUG), Joachim Gauck officiated over the Stasi records as Special Commissioner of the Federal Government; on the basis of provisional rules for the users, his office provided information for the purposes of reparations and rehabilitation, for vetting delegates and employees of public administrations, as well as for the purpose of prosecuting crimes.



Roland Jahn, Federal Commissioner for the Stasi Records (BStU)

With the passing of the StUG in 1991, the Bundestag created the legal framework for the further handling of the Stasi records. The path was now clear for establishing the office of the "Federal Commissioner for the Records of the Ministry for State Security of the former German Democratic Republic" (BStU). The act came into effect on December 29, 1991. It honoured a promise made in the Unification Treaty, namely to comprehensively account for the principles of the "act for the safeguarding and use of the person-based data of the former Ministry for State Security/Office for National Security" that had been passed in the GDR Volkskammer on August 24, 1990.

All federal parliaments (Deutscher Bundestag) and federal governments elected since 1990 have expressed clearly that the reappraisal of the SED dictatorship is desired politically. The post of commissioner was held by Joachim Gauck from 1990 to 2000 and by Marianne Birthler for the ten years following. On March 14, 2011, she was succeeded by Roland Jahn, who had been forcibly expatriated from the GDR in 1983.

Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic

The Stasi Records Act combines the political demands of the GDR opposition with the constitutional principles developed in the Federal Republic. This was the prerequisite for the success of an act that simultaneously guarantees the public's right to information about state action and the individual's right to privacy.

2. Legal Mandate and Tasks

Legal basis

The Stasi Records Act of December 29, 1991 forms the legal basis for the work of the Federal Commissioner. It has been amended several times by the German Bundestag; the eighth amendment came into effect on December 29, 1991. The basic structure of the act, however, has remained unaltered since the beginning. It allows for the personal, historical, political, and judicial reappraisal of the activities of the State Security Service, as well as of the power mechanisms of the former GDR, and thus promotes discussion about the second German dictatorship in the 20th century. In this respect, the agency sees itself as providing a valuable service to society.

The act takes into account various interests and legal rights, each of which warrants consideration:

- the right of every individual to know whether and how his personal life was influenced by the MfS through its surveillance and other measures;
- the right of all people to be protected against abuse of the data concerning them that was collected and retained by the MfS;
- the right of public and private institutions to use the documents to check whether members of their staff were employed officially by the MfS or served as unofficial collaborators;
- the right of the general public to use the documents for purposes of rehabilitation and criminal prosecution;
- the interest of the public to be informed through civic education, research and media about the operations of the MfS on the basis of the Stasi records.

Tasks of the institution

The tasks and powers of the BStU are regulated in § 37 of the StUG. In accordance with this, the BStU compiles all the records of the State Security Service, evaluates, files, stores, and manages them according to the principles of archiving (see also Part 4). It responds to queries and provides information, grants access to the records, and furnishes copies. It researches the activities of the State Security Service by examining its structure, methods and operations, and by informing the public about its findings.

Individual reappraisal

The main task of the StUG is to provide individuals with access to any records concerning their person so that they can trace how the State Security Service interfered in their lives (for more details, see Part 5). By the end of 2012 (the following data is valid as of the end of 2012), citizens had submitted more than 2.9 million applications to the BStU (this figure includes first and repeat applications, requests for code-name deciphering and for copies).

Judicial reparation, rehabilitation, and criminal pro-secution

The BStU provides support to those German authorities responsible for criminal prosecution, rehabilitation and reparations. It also provides judicial assistance for cases of prosecution in foreign countries. For people who were politically persecuted in the former GDR, the German legislative body has passed laws for judicial, administrative, and professional rehabilitation. On the basis of this, the federal government and federal states have made approximately 1.4 billion euros available for reparations and benefits. The authorities responsible for the corresponding proceedings can draw on records of the State Security Service in their decision-making. They enquire of the BStU as to whether records exist which contain evidence of politically motivated persecution, workplace discrimination,

or whether there is any documentation concerning prison sentences and damages to health. It is also examined whether factual evidence exists that would preclude rehabilitation (such as violations of constitutional principles or human rights). By the end of 2012, the agency had processed almost 500,000 petitions in this area.

Vetting

The checks carried out to reveal whether certain people were officially or unofficially employed by the GDR's State Security Service is an important part of reappraising the SED dictatorship. Approximately 1.7 million applications for these kinds of checks have been processed thus far. More than 90% of them were related to public servants; the remaining applications mostly concerned representatives of the Bundestag and state parliaments, members of local representative bodies, government officials, leading figures in political parties, businesses, organisations and associations.

The legally prescribed options for checks were originally limited to 15 years (to December 28, 2006). However, with the 7th amendment to the StUG, the legislature extended the checking options for elected representatives, government administration officials, heads of ministries and judges to December 31, 2011. It also added sport functionaries to the list of people who could be checked. The subsequent 8th amendment of the StUG extended the checking options to December 31, 2019. It also expanded the group of people who could be checked to include high-level public servants, members of supervisory bodies of public institutions and public servants, when a legitimate suspicion exists to suggest that they may have engaged in activities for the State Security Service.

The records may also be used indefinitely to conduct vetting checks on employees of institutions involved in the reappraisal of the GDR's past or rehabilitation issues as well as on candidates being considered to receive honorary medals.



Supporting the media and external researchers

In accordance with its legal mandate, the BStU supports research and media (press, radio and film) as well as civic education agencies in their political and historical reappraisal of the activities of the State Security Service, of the power mechanisms of both the former GDR and Soviet Occupation Zone and of the National Socialist dictatorship. Since 2008, the number of applications submitted by representatives of research and media has increased to more than 1400 each year.

Due to the uniqueness of the archival holdings, BStU staff assists in the research and selection of documents. Since many MfS indexes and registers as well

as databanks created by the BStU contain information about people that warrants protection and cannot be disclosed to third parties, researchers and journalists cannot work with the sources and finding aids of the BStU as independently as they do in other archives. For legal reasons, it is necessary for the BStU to take over many of the research tasks.

Research

The BStU maintains its own research department. Its scholars compile and publish basic knowledge about the State Security Service for their professional colleagues and the interested public. The scholars of the BStU possess a high level of expertise. Over the past twenty years they have produced numerous publications. These include what is by now a 27-volume handbook, publications on unofficial collaborators (Helmut Müller-Enbergs 1998 and 2001) and studies on the official employees of the Stasi (Jens Gieseke 2000).

A compact lexicon on the structure and work methods of the MfS was made available to a broad public in 2011. In early 2013, the BStU handed over to the German Bundestag the results of its commissioned study: "The German Bundestag in the Files of the Ministry for State Security (MfS) of the GDR, 1949 to 1989." It examined the degree, methods and intensity with which the MfS sought to acquire information from and exert influence over the German Bundestag. Since 2010 the first five volumes of a planned 37-volume edition (each volume corresponding to a single year) was published under the title: "The GDR through the eyes of the Stasi. The secret reports to the SED leadership." The most recent volume addresses the year 1953. In these reports knowledge attained by the secret police was consolidated for the Party and state leadership of the GDR. A number of important individual studies were conducted, for example about West German citizens in the service of GDR espionage (Georg Herbstritt 2007) and on how the MfS dealt with Nazi criminals (Henry Leide: National Socialist Criminals and State Security, 2005). An important area of BStU research focuses on opposition and resistance, for example the work by Roger Engelmann/ Ilko-Sascha Kowalczuk: The People's Uprising against the SED. An Assessment of June 17, 1953, (2005).

Historico-political education and public relations

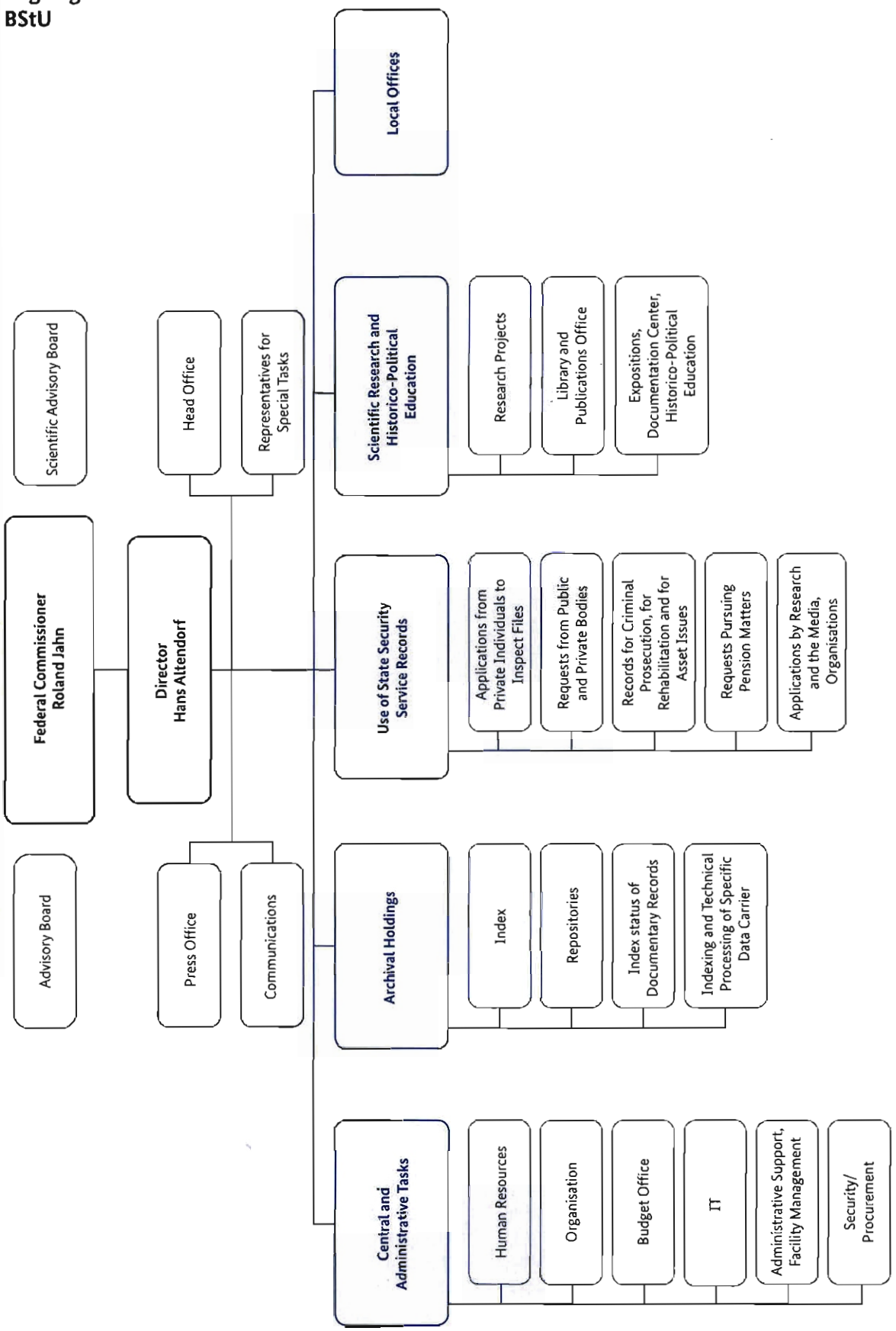
One of the institution's legally required tasks is to provide information about the history, structure and methods of the GDR's State Security Service. Each year the BStU's central and regional offices hold hundreds of events including readings, lectures, discussion symposiums, and film screenings. In this way citizens are given an impression of the MfS as a repressive instrument supported by the most current research findings. The broad range of information provided by the BStU is based on the Stasi records, which contain innumerable files, audio recordings and film material. These include countless examples of Stasi control and repression, but also demonstrations of moral courage. The BStU uses these sources to produce material for pupils, visitors and other interested citizens, providing them an opportunity to access Germany's very recent history.

The BStU supports events organised especially for school groups including seminars, projects of a day or longer and workshops. The BStU education department provides educational material, for example excerpts from archival documents accompanied by worksheets, handouts for teachers, information folders, and several educational DVDs and audio files. In special training seminars, the BStU staff educates teachers and trainee teachers about the MfS and the importance of the Stasi records for historical, legal as well as personal reappraisal. They provide suggestions for addressing the subject in lessons. In collaboration with teachers they prepare specific examples to be used in the classroom.

The BStU also incorporates its exhibitions into its educational programs. In Berlin and in several of the regional offices, permanent exhibitions about the Stasi are presented to the public. Since 2011 the exhibition "Stasi. The Exhibition on the GDR's State Security" has been on display not far from Checkpoint Charlie (once the famous border crossing at the Berlin Wall). In 2011 the BStU began working with the association ASTAK e.V. to make "Haus 1," the former headquarters of the Minister of State Security in Berlin, accessible to the public. The BStU now offers special project days for school classes at this authentic historic site. Further teacher training is offered in conjunction with the BStU's touring exhibition, which is displayed both in the old federal states and abroad. Exhibitions addressing regional themes are lent to schools free of charge, providing a starting point for lectures or project days.

The BStU's regional offices in the eastern German states are strongly involved in providing information to the public. Their documentation centres and archives, some of which are located at former Stasi prisons,

Organigram BStU



are important to civic education as authentic sites of repression.

The BStU website (www.bstu.bund.de) is increasingly being used to educate the public about the structures, activities and methods of the State Security Service. The site, with its modernized presentation, provides a wide range of information. It presents collections of documents, in particular audio-visual recordings, and posts up-to-date news coverage. Articles on important historic facts are supported by convincing sources from the records of the MfS. By presenting audio-visual recordings and underscoring their relevance to today, the site aims to attract a younger audience. The BStU is also on Facebook.

Scope of the BStU's tasks

The BStU does not have a judicative function and does not conduct investigations either for the public prosecution authorities or for the police. Instead it makes the records accessible within the context of legally permitted forms of use. Responsibility for decisions following notification that someone was officially or unofficially employed by the State Security Service lies solely with the authority that made the enquiry.

The BStU manages the documents of the GDR's Ministry for State Security and the organisations that predated and followed it; the BStU's evaluating activities are based on the time period of GDR history. The StUG allows for the examination of the State Security Service's activities abroad on the basis of applications made from Germany as well as from other countries and in principle is not subject to any particular legal restrictions.

3. Legal Form and Structure of the Agency

Legal form

The BStU is a higher federal agency and is part of the remit of the Federal Commissioner for Culture and Media (BKM).

The Federal Commissioner for the Records of the State Security Service of the former GDR heads the agency and, upon being put forward as a candidate by the Federal Government, is elected by the German Bundestag by more than half of the legal number of its members. In accordance with the StUG, the Federal Commissioner is independent in the execution of his or her role and subject only to the law. He or she is not placed under technical supervision and is subject to the legal supervision of the Federal Government. Administrative supervision is conducted by the highest federal authority responsible for culture and media. This form of regulation regarding matters of supervision should guarantee that the activities of the agency are not influenced by party or departmental interests. The Federal Commissioner accounts to parliament every two years in the form of an activity report. The term of office for the Federal Commissioner is five years. A one-time re-election is permitted.

Organisation

The Federal Commissioner is represented by the Director (Hans Altendorf since 2001); he or she is the senior official at the agency. The agency is currently organised into a central headquarters and 12 regional offices. The tasks are administrated by four departments and staff divisions, which are directly subordinate to the agency's management. The four departments of the headquarters are designated as follows:

AR Archival holdings
AU Use of records of the State Security Service
BF Scientific research and historical-political education
ZV Central and administrative tasks

Each department is subdivided into divisions; the regional offices are divided into subject areas. The regional offices are the direct point of contact for citizens in the former East German districts and are responsible for the records of the MfS district administrations.

The regional offices are located in the states of Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, and Thuringia. This corresponds to the geographical area that once made up the GDR. (The tasks of the former regional office of Berlin are now carried out by the central headquarters.) The regional offices provide local support for reappraisal work. They serve an important function independent of the central headquarters through their closeness to citizens and contribution to political education in the region in collaboration with civic associations and other supporting institutions.

Workforce

As of the end of 2012, the BStU employs almost 1,600 people: approximately 950 in the central headquarters

and 600 in the regional offices. These employees are divided mainly between the work areas AR and AU, with each department maintaining almost 500 employees. BF has about 80 people on its staff; ZV almost 500 people (175 of whom are involved in securing the facilities). The workforce reached a maximum of 3,300 employees in the nineties. This number has decreased significantly in recent years as a consequence of retirement and transfers to other public authorities.

On the basis of the majority decision by the parliamentary bodies within the 8th amendment of the StUG since January 1, 2012, people who had worked for State Security Service may not be employed by the Commissioner for the Stasi Records. Former employees or unofficial collaborators of the State Security Service who were hired by the Federal Commissioner prior to the passing of the amendment are to be transferred to a different socially-acceptable position within the federal government administration.

Budget
The 2012 budget consists of € 102.3 million:
This includes € 76.3 million for staff; € 22.3 million for relevant administrative duties and € 3.4 million for investments.

4. Delivery Status

The total archival holdings (at the headquarters in Berlin and at the agency's regional offices as of 2012) are structured as follows:

Paper documents
The BStU archives contain approximately 111 km of paper documents, of which:

- approximately 51 km are cases and files archived by the MfS. These are the "Archival Holdings" of Department XII in the Central Archive and in the archives of the district administrations as well as the document collection (the so-called "Nazi Archive" of HA IX/11.) These documents were preserved mostly intact and accessible through names registered in the MfS file index.
- more than 60 km of records from the service units that were found in the offices as the MfS was coming to an end. They fell into disarray when the MfS premises were occupied and evacuated (primarily individual pages tied up in bundles). An MfS file index does not exist for them.

Additionally there were approximately 47 km of written documents stored for purposes of preservation or further work. These records can also be used through names registered in the MfS file index. There are also approximately 15,500 containers (bags, boxes, etc.) of documents that the MfS tore up in 1989/90 with the intention of having them entirely destroyed. These records are being reassembled by the BStU by hand as well as in a pilot project to develop virtual reconstruction.

Audio-visual media and machine-readable data

- more than 1.7 million photographs (photograph positives, negatives, microfilm, slides)
- approx. 2,800 films and videos
- approx. 27,500 audio recordings
- 46 MfS data projects

Provenance of the records
Alongside the written documents produced by the service units of the MfS, the records of the MfS also include files left to the State Security Service from the courts and prosecution authority. The MfS, for example, also archived documents from the general state prosecution authority and the military prosecution authority of the GDR. The records produced during investigations into National Socialist atrocities and war crimes have a volume of over 700 running metres and are stored in a special depository outside the holdings of the archive division.

Also noteworthy is the extensive return of records that had been removed from the offices and repositories of the State Security Service, particularly during the period of upheaval in 1989/1990. The records acquired since 1990 make up more than 4,600 running meters. They were delivered by both public offices and private individuals. In particular, the CDs handed over by the United States containing 300,000 sets of data ("Rosenholz files") sparked a special interest. They contain digital images taken from microfilms of index cards (real names and procedural indexes for the foreign espionage division, HV A).

How complete are the total holdings?
The records from the archives of the State Security Service are to a large extent preserved. The State Security Service did, however, regularly destroy sections of its own archival holdings.

In contrast, the records from the offices were decimated in 1989/1990. In the service units, the extent of loss

ranges from a few percent to total loss. Providing an accurate estimate of the amount of loss is not possible since this would require knowledge of the original total volume, something which could never be established. The losses include records on both individual affected persons as well as unofficial collaborators. They concern primarily case files that were stored in the offices and were still "active" when the building was occupied.

Documents were mostly destroyed on orders of the MfS' leaders, on an individual basis by employees in the autumn of 1989, but also partially pertaining to decisions made by the Central Round Table after the offices were occupied. Documents relating to foreign espionage (HVA) as well as electronic data carriers of the MfS represent a major loss that occurred following the occupation of the offices.

The records were secured immediately (by citizens' committees, military prosecution authority, and the State Archive Administration of the GDR) following the occupation of the offices (from December 4 to January 15, 1990) and consolidated until they were placed under the authority of the Special Commissioner on October 3, 1990.

Indexing status

The archived deposits, as well as the microfiche records for safeguarding and further work, are indexed according to the name of the person to whom they relate. The documents from the offices are over 88% indexed according to person or subject. The audio-visual data carriers are up to 62% indexed. The data carriers were sorted and, as far as necessary, stored to typical standards.

Digitalising old material, online accessibility

Digitalisation has so far been implemented in order to preserve material (endangered audio tapes and photographs) and to aid accessibility. Plans to digitalise written documents have also been undertaken. Since digital preservation of archival material is an important and ongoing task, a new "digitalisation" subject area has been established to actively oversee the digitisation projects. Information about the records in the central and regional offices is available online. Making search tools available on the Internet was largely made possible only after the last StUG amendment of 2006. In addition to general information about the BStU archives, finding aids, file indexes, archive overviews, expert essays on archive and filing studies, as well as selected archival material of the MfS have also been made available. By now 87 subject-related finding aids have been published online.

5. Access to the Files and Rules for Dealing with the Files in Public

Access to the records of the State Security Service is regulated by the Stasi Records Act (StUG). There are three mutually independent access rights, which the StUG regulates in three respective sub-paragraphs:

- the rights of private individuals (§ 12 ff. StUG)
- the use of the documents by public and private institutions (§ 19 ff. StUG)
- the use of the documents for purposes of political and historical reappraisal, as well as for use by the press, radio, and film (§ 32 ff. StUG).

Access is granted to private individuals, researchers and media representatives upon application. Public or private institutions must submit a petition.

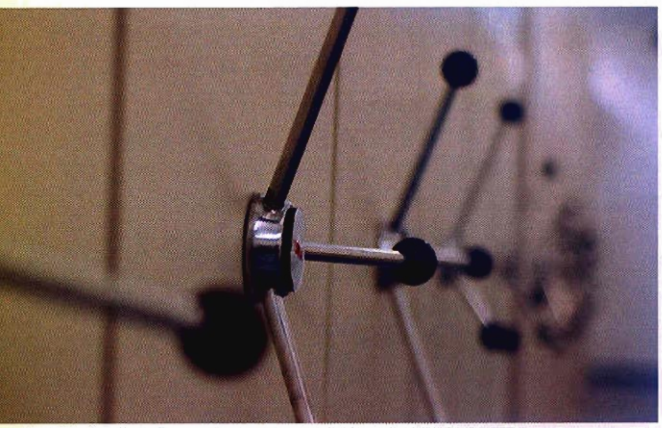
The rights of private individuals

Any person may submit an application to access the records of the MfS that relate to him personally. This right is not restricted to German citizens.

Private individuals submit a written request for access, information, or to receive copies. A request can be made through an informal letter or by using the form provided by the BStU. This form is also available on the BStU website. Applications can be submitted to the Federal Commissioner in Berlin as well as to any of the regional offices. Within Germany, the confirmation of identity required for each application is usually provided by the respective registration authorities. However, any other officially certified copy of a valid form of identification is also sufficient. The immediate relations of missing or deceased persons are required to submit additional documents with their application.

If an applicant wishes to be represented by a legal advisor, this person must be explicitly commissioned by the client to apply to view files. The legal advisor has no rights beyond those of the person represented. This access regulation is based on the StUG's respect of data protection and only allows individuals access to the information relating to their person. Nobody should have their right to privacy impinged upon by unau-

thorised persons accessing data relating to them. The applications are checked to see that they are complete and legally valid. If any errors are found, the applicant will be asked to submit further information or records. Following this, searches will be conducted in all archival holdings, including those of the regional offices, irrespective of where the application was submitted. Once documents concerning the applicant are found, it will be examined whether the records also contain protected information concerning other people. To maintain the right to privacy, this information will be rendered anonymous (blackened out). This anonymity process is carried out on copies. The names of official Stasi employees or unofficial collaborators are not made anonymous.



Small amounts of documents are generally copied and sent to applicants by post. For large amounts of documents, the applicants will be invited to the BStU office of their choice to study the documents.

Insofar as any code names of unofficial collaborators are contained within the records, the applicants have a fundamental right to know the real names of these people. A special application must be submitted for the decryption of these code names.

The StUG distinguishes between four categories of person: affected persons, third parties, employees, and beneficiaries (§ 6 StUG – terminology stipulations).
The access rights to records vary according to which category the records relating to the applicant have been assigned. The category is assigned on the basis of the available archived document holdings. What is crucial here is the view of the State Security Service as it appears in the archived material (archival viewpoint). Special rules apply to immediate relations of missing or deceased individuals.

Affected persons
Affected persons are those about whom the MfS collected information in a targeted manner. Affected persons do not have to give reasons for their interest in viewing records, receiving information, or requesting copies. They have a legal right to access all of the available indexed records relating to their person.

Third parties
The access rights of so-called third parties (people who do not have their "own" files as affected persons, but on whom there is information contained in the file of other people) do not fundamentally differ from those of affected persons. These applicants, however, do have to indicate the reasons for their interest, and provide information to help in the search for records. The amount of research work required must be in reasonable proportion to the reason given for the applicant's interest in the information.

Employees of the State Security Service
Anyone who acted as an unofficial collaborator or official employee of the State Security Service has only restricted access to the records, namely only to the personnel or cadre documents "conducted regarding their person." They may not view records that they compiled concerning other people. Only in unique circumstances is such access granted, namely when a special legal interest for such knowledge is deemed to exist.

The regulations regarding employees also apply to people who had authority over employees of the State Security Service in relation to their activities, as well as for unofficial collaborators of Work Area I of the GDR's criminal investigation department. This authority was specifically responsible for the investigation and prosecution of crimes considered to be of a political nature. It worked closely with the State Security Service and shared members of its staff with it.

Immediate relations of missing or deceased people
Immediate relations (spouses, children, grandchildren, parents, or siblings) of missing or deceased people have their own right of access to the Stasi records. This is an exception to the rule that each individual only has access to his or her own documents. The rights of immediate relatives were extended by the 8th amendment to the StUG from December 2011. They now have the right to access the records of a missing or deceased person when they are able to present a credible and justified interest related to the purpose of reappraisal as

prescribed by the Stasi Records Act. When immediate relatives do not exist, relatives up to the third degree may request to view files concerning the missing or deceased person. However their access rights continue to be limited to the previously defined purposes. Relatives up to the third degree are permitted access when they are able to present one of the following credible and justified purposes as prescribed by the act: to rehabilitate the missing or deceased; to protect individual rights of the missing or deceased, in particular to disprove claims of collaboration with the State Security Service; to establish the fate of missing or deceased people.

The relatives up to the third degree should be allowed to exercise the wish to do something for the deceased, which he or she is no longer able to do.

Further use of records by private individuals
After viewing the records, each applicant has the right to use the information he has received from the Federal Commissioner. He must, however, respect the boundaries defined by the StUG a well as other laws (especially civil law, press law, and criminal law).

Use of the records by public and private institutions
Public and private institutions may access the documents for the specific uses laid down in the act. On the whole, these include rehabilitation, reparations, suspension of benefit payments, clarifying estate and financial circumstances from the former GDR, checking certain groups of people for unofficial collaboration or employment with the *MfS*, *security and reliability* checks, criminal prosecution, and danger prevention. Only the authority responsible for each respective task has the right to apply. Private institutions have to prove their eligibility in writing and provide the legal basis for their claim. The Federal Commissioner checks the authorities' applications to ensure they are based on legitimate grounds, are part of the remit of the institution, and to what extent the use of Stasi records is necessary for the intended use indicated in the application.

Usually, the institutions which apply will receive a written notice from the BStU granting right of access. Where applicable, it will contain evidence in the form of copies of records relating to the purpose or person named on the application. Institutions are granted the right to view records directly on request only when the written notice sent by BStU is insufficient. Information and document access is only granted for that information or those documents pertaining to the person named in the institution's application. If the records contain person-related information pertaining to affected persons or third parties, this information will be rendered anonymous (blackened out).

The institutions must decide for themselves whether to make an application to the BStU in the context of the valid application purposes; they are not, however, duty-bound to do so (there is no "routine application"). Decisions following the notification that someone was officially or unofficially employed by the State Security Service remain the sole responsibility of those institutions that made the enquiry.

In contrast to private individuals, who may use the copied documents sent to them in any lawful way they choose, and thus without any limitation of purpose, institutions may only use the information and documents given to them by the BStU for the purpose stated in their application; they may not pass it on or use it for any other purpose.

Use of records for the purposes of political and historical reappraisal, and by the press, radio, and film
The BStU supports researchers, media representatives and staff of civic education centres in their effort to historically and politically evaluate the activities of the State Security Service. They have to thematically present their intended evaluation work in their applications. If records are found relating to the requested topic, the applicants are given the opportunity to view the documents and have copies made. When granting access to the documents, the Federal Commissioner must, however, be certain that the overriding protectable interests of the people named in the records are not breached. For this reason, records concerning affected persons are generally only made accessible in an anonymous form or with the express permission of the affected persons (an exception applies to affected persons who have been deceased for more than 30 years. For the purpose of scholarly research this time period may be shortened to ten years).

The 7th amendment of the StUG allows for academic researchers at universities and other research institutes to receive access to non-anonymised documents under certain conditions that are stipulated in the act. The 8th amendment also grants this right to the state commissioners for Stasi records.

Furthermore, researchers and media representatives are obliged to ensure that the overriding protectable interests of the people named are not breached through publication. The same conditions apply to the BStU's own publications and to external publications.

The media plays an important role in the reappraisal of the former dictatorship. This especially applies to the discussion of relevant topics. It is not uncommon, however, for the names of former MfS collaborators to be uncovered in the course of media research and if they are public figures, to be controversially discussed. Legal disputes occasionally arise in such contexts mainly because the Stasi Records Act fundamentally allows the publication of these names as long as there are no potential opposing protectable interests. However, before names are published, each individual case requires further consideration. With respect to the rules of press law, a balance has to be found between factual claims and reports based on suspicion.

Figures of contemporary history, public officials, and functionaries

For the use of information regarding figures of contemporary history, political functionaries or public officials, access is specially regulated in the context of research and media applications. Related information may only be used as far as this relates to their role in contemporary history or to the execution of their functionary or official duties. Their overriding protectable interests need to be respected. Furthermore, the StUG provides a notification procedure for this group of people. If records are to be used, the people affected need to be given sufficient notice beforehand and be informed about the contents of the information so that they can raise objections if necessary.

Costs

The BStU imposes charges for certain administrative acts. The legal basis for this is found in § 42 StUG. A scale of costs for the Stasi records regulates individual procedures and determines fees and expenses. It applies to individual applicants and to applications and petitions from private institutions.

Affected persons, third parties, and immediate relations are exempted from information and access costs. They have only to pay a nominal fee for the provision of any copies. The fundamental idea behind these regulations is to make access to the records possible for affected persons without any great financial hurdles, so that they can gain insight into circumstances that affected their lives.

6. Cooperation

In Germany, the BStU works closely with various civic groups, memorials, and public institutions such as the Federal Foundation for the Reappraisal of the SED Dictatorship and the Federal Agency for Civic Education. The Federal Government's memorial concept provides the framework for this cooperation. These cooperative efforts help to reinforce the task of evaluating the SED dictatorship. The Commissioner is guided by the principle of serving society, which implies providing as much support as possible to social initiatives – including victim associations.

On an international level, the BStU has been involved for many years in bilateral exchanges with partner institutions in Central and Eastern Europe. The institutions advise each other and exchange information on archive-related questions and information services. They also engage in joint research projects and conferences.

On the initiative of the BStU in 2008 in Berlin, these cooperative exchanges led to the establishment of the "European Network of Official Authorities in Charge of Secret Police Files" with partner agencies in Poland, the Czech Republic, Slovakia, Hungary, Rumania and Bulgaria. Since then this cooperation has manifested itself as bilateral exchanges, network conferences and joint projects such as a travelling exhibition.

The BStU also maintains contacts with organisations and government agencies outside of this network which work in their own countries to evaluate the activities of a dictatorship's secret police. Geographical emphasis is placed here on the Eastern European area. In October 2011 the BStU participated in the founding of the "Platform of European Memory and Conscience" (also known as the Prague Platform), which within the framework of the European Union aims to reinforce the reappraisal work of National Socialist and communist dictatorships. In 2011 the BStU staff spoke with activists of the Arab freedom revolutions (in particularly in Egypt and Tunisia), sharing with them its experience of dissolving and reappraising a secret service. The BStU's departments also engage in intensive exchanges with neighbouring institutions on the nation-

al level. Worthy of special mention is the cooperation with the German Federal Archives. These collaborative efforts include the following key areas: use of records relating to National Socialist atrocities and war crimes, presentation of MfS records and finding aids on Internet portals, adaption of the German Federal Archives' software concepts, consultation on issues of archive preservation. It also engages in cooperative projects with state archives, and with central and regional reappraisal institutions. Following the structural collapse of the Cologne city archives, the BStU provided advice in regard to indexing fragmented and disorganised records, in document reconstruction as well practical assistance in restoration matters.

Among the many collaborative projects within the research department, of particular interest is the Cold War Project conducted in Washington to establish electronic publications of files concerning the cooperation between the MfS and the KGB, as well as a joint research project with the University of Jena on how the state dealt with popular culture in the 1980s in the Gera district capital. Also important among the cooperative projects with partners of the European Network are the scholarly workshops conducted by IPN and the BStU, for example on the role of state security services in the region as well as a cooperative project with the COMDOS on document research on certain subject areas addressed at the BStU.

7. Perspectives of the Institute in the Light of Public and Political Debate

The Stasi Records Agency has been strongly supported by the Federal Government and by an overwhelming majority in the German Bundestag. The federal states ("Bundeslaender") in the East German region are interested in having the BStU continue to support the regional reappraisal efforts by maintaining its presence there. The BStU's regional offices assure closer contact to the citizens and the civic education that they engage in, often in collaboration with local memorials and other reappraisal institutions, has a strong impact. Cooperation with the East German federal states remains important given the strong position that the federal states hold in Germany's political system.

With parliament's approval, the Federal Government updated its memorial concept in June 2008. In the "Historical Network for the Reappraisal of the Communist Dictatorships in Germany," it defined how the BStU and other public and civic institutions (archives, memorials and associations) should work together.

The BStU has already fulfilled this demand in a joint project with the association ASTAK e.V, during which a temporary exhibition in "Haus 1," the former headquarters of the Minister for State Security, was created. The BStU is currently working with this association to develop a permanent exhibition in the building. The central archives of the BStU are still located in the former headquarters of the Ministry for State Security. The Commissioner has suggested having the buildings on the grounds be designed into a "Campus of Democracy" so that they can be used as an authentic site for archives, research and civic education. Because: The better we understand dictatorship, the better we can shape democracy.

The strong interest of individuals and society in using the MfS records to reappraise the SED dictatorship has not subsided over the past twenty years. The number of applications submitted to view the documents continues to be very high (an average of 90,000 annually over the last five years). Pensioners who want to sort out their lives as well as young people eager to learn about the fates of their parents and grandparents under the dictatorship continue to express a strong interest in the documents. The relatives of people who have died are also taking advantage of the opportunity to view records that was provided to them by the 8th amendment.

Many topics that had been neglected in the past are now receiving more public attention, for example the prison for women in Hoheneck. This prison has been a focus of many highly respected film productions. In general, artistic literary and film depictions of the East German dictatorship in its many facets have attracted the attention of a broad public – including new and young target groups. They are an important contribution to reappraisal work – during a time when the question of someone's past collaboration with the MfS is no longer the central focus as it had been in the nineties.

Historical Archive of the Hungarian State Security

Hungary

1. History of Foundation

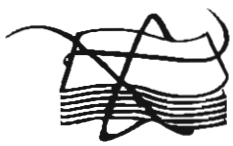
The Archives were founded as a result of an Act of the Constitutional Court of Hungary. In 1994, the Constitutional Court examined the constitutionality of the law that had ordered the investigation of people in important public positions and concluded that the Parliament acted against the Constitution by not providing for people's informational self-determination when they ordered the investigations. However, Parliament was obligated to end this anti-constitutional situation by legislating people's right to become acquainted with all the personal data gathered and kept by State Security Organisations. Modifying the Law of Screening in 1997, Parliament established the Historical Office, which – despite its name – was actually an archive. In 2003, as a by-product of the scandal following the publicity of the State Security past of the then Prime Minister, Parliament issued a new Act that founded the Historical Archives of the Hungarian State Security (hereafter: Historical Archives). The Historical Archives is the legal successor of the Historical Office.

2. Legal Commission and Tasks

The Archives

a) shall ensure the right of those concerned to become acquainted with their personal data under the conditions provided by this Act;
b) shall provide the data to organisations performing fact-finding as determined by the law to make public the national security past of public figures;
c) shall ensure that research can be conducted under the conditions laid down by this Act;
d) shall perform the tasks specified in the Archival Act.

The tasks mentioned under a) and c) are discussed in Part 5 of this text. b) means that the Historical Archives participated in the screening process. Screening in Hungary was carried out by a body of judges supplied with data by the Historical Archives (as well as by other organisations). The screening process is finished, but the Act makes it possible for anybody to request information concerning the possible state security past of any public figure (See Part 5 for details.)



We examine our documents according to our tasks as determined by the Archives Act. The Historical Archives has its own small research department which conducts research on the post-war organisation and operations of the political police in Hungary as well as on the relationship between the Communist Party, government bodies and public security authorities. The results of such research have been made public in monographs, articles and through the publication of selected documents.

Since 2007, the Historical Archives' online journal Betekintő has become more well-known and is frequently cited by historians. The aim of this journal is to publish documents of the state security services from before 1990, to present the organisation, operations and methods of the secret police, and to publish articles about the state security services that existed before 1990.

Our own scholars and researchers as well as well-known professionals from Hungary and abroad speak at the conferences organised by the Historical Archives. Our colleagues also present information about their recent research findings and achievements at national and international conferences. Exhibitions

organised by the Historical Archives also serve an educational purpose and usually tour through Hungary and abroad.

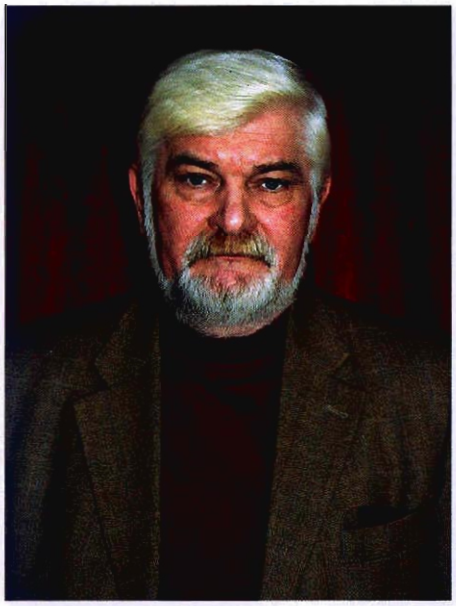
The Historical Archives of the State Security launched a series of lectures in 2011 titled Historical Café (Történelmi KávéháZ). They take place each month on every second Thursday afternoon. The program aims to present the scientific research of the Historical Archives. Visitors and guests are welcome attend the lectures and participate in discussions.

The rehabilitation of victims is not the responsibility of the Archives. This issue was settled by the Acts of Annulations and Amendment. The Act of Annulations had already annulled the political sentences, and the Act of Amendment had given financial amendment well before the legal predecessor of the Archives was established. Nevertheless, amendment is still in progress in one field: those who participated in the 1956 Revolution may be entitled to a pension supplement and in a significant number of cases, the Historical Archives can give them the documents that prove that they are entitled to that supplement. Victims who turn to the Historical Archives often need personal attention as well, which we also aim to provide if possible.

3. Legal Form and Structure of the Institute

The Historical Archives is a state-owned special archive. The responsible leader of the Archives is the Director-General. The Director-General and the Deputy are chosen by open competition and nominated for seven years by the President of Parliament. Before nomination, candidates are interviewed by the National Security Committee and the Cultural Committee of the Hungarian Parliament. The rules of incompatibility are very strict – nobody who has been a member of the Government, a State Secretary, an official or employee of a national organisation of one of the political parties in the past ten years before the nomination can become Director-General or Deputy Director-General. The same regulations apply to those who were employed by the former State Security Organisations, received their reports or acted as agents. Any person in such a position can only pursue a profession in the fields of science, education or the arts.

The work of the Historical Archives is controlled by the President of Parliament. The Director-General has to report annually to the committees that interviewed him or her before his or her nomination. The circumstances under which the mandate of the leaders of the Archives ceases to exist are regulated by law. This rule basically ensures absolute independence for the institution. The Archives is a national institution with no regional bodies. The number of employees is 99. The Archives is an independent, publicly financed institution. The budget is defined by Parliament in the annual budget law and our experience has been that sources are continuously available. No elections or government crisis have endangered the work of the Historical Archives so far.



PhD György Gyarmati, Director General of the Archive

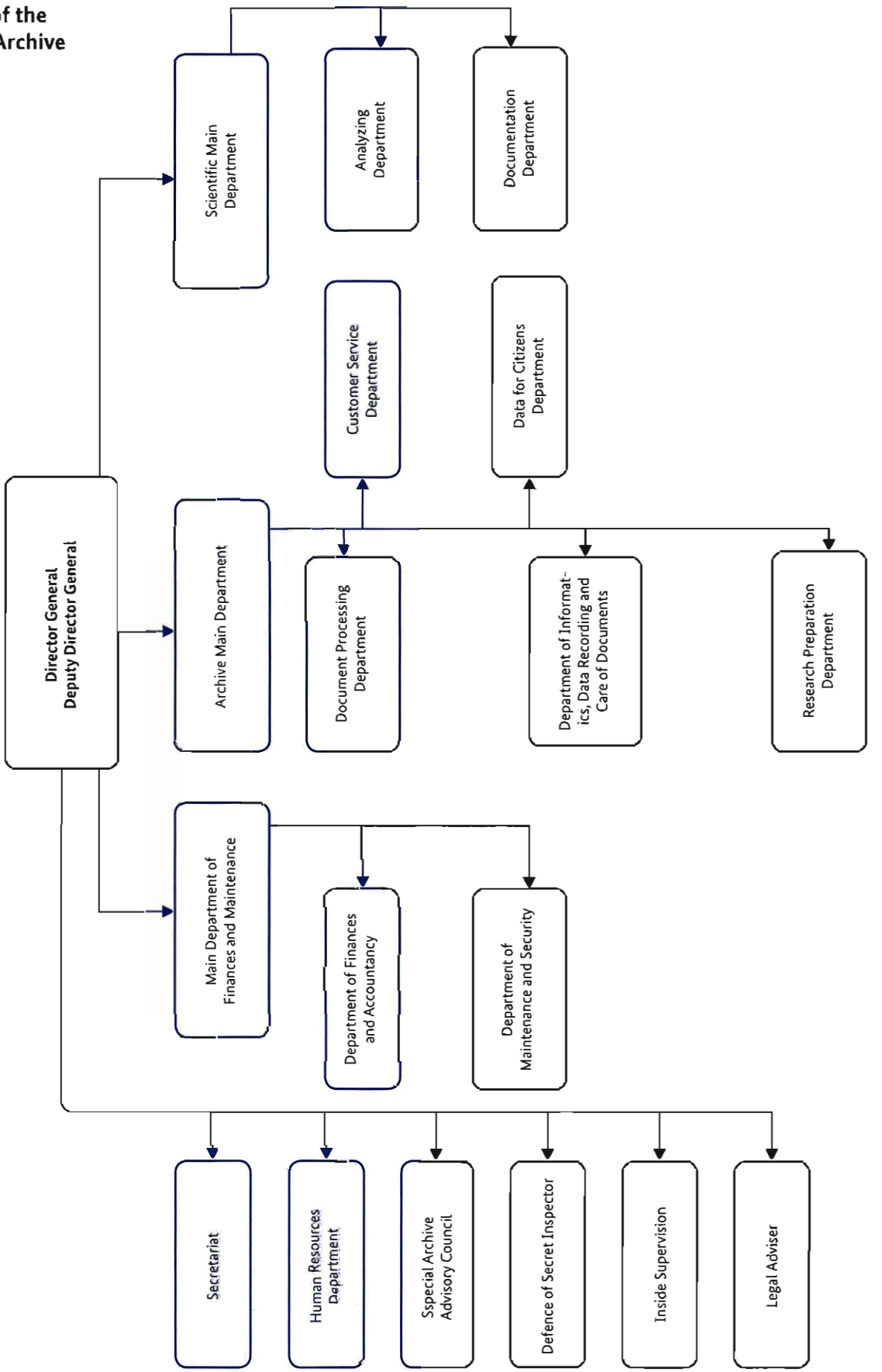
The Historical Archives is an independent title in the Budget of Parliament. The approved budget for the financial year of 2012 is as follows:

Statement of Costs:	HUF 699.1 Million
Statement of Income:	HUF 5.0 Million
Statement of Supply:	HUF 694.1 Million

4. Situation of Documented Heritage

The collection area of the Historical Archives was defined by (1) 1§ of Act III of 2003. According to the Act, the Archives' collection comprises the documents of the former (State Security) Department III of the Ministry of Home Affairs and their legal predecessors, documents referring to the employees, secret employees and top secret employees of Department III and

Structure of the Historical Archive



the documents of the Screening Committee that controlled some prominent personalities holding important offices or offices of public confidence or any positions that form public opinion.

The collection of the Historical Office (founded in 1997) and the Historical Archives (as of 2003) is legally defined as sets of documents which came into being through State Security Organisations that existed in different eras and worked separately from each other concerning structure and handling of documents. After taking over, exploring and basically sorting the material, it was possible to create a homogeneous archival system into which the documents of the State Security Organisations between 1944 and 1990 could be arranged. The main sections of this newly formed archival system, with a detailed classification of the documents, can be found in the List of Fonds and Collections. The archived material is divided into sections.

Section 1: Documents of State Security (State Defence) Organisations and their operations
(1942) 1945–90 (1997) – volume: 571.70 linear metres
This section includes the separately maintained functional documents of organisational unity formed by the former State Security Organisations. There are independent series within this section containing the documents of the Central State Security Organisations that worked in different periods, of the State Security Organisations within different police headquarters, and organisational units with similar tasks inside the Ministry of Defence and the Hungarian People's Army.

Section 2: State security documents that do not belong to any organisational entity
(1912) 1945–90 (2000) – volume: 763.96 linear metres
In this section there are sets of documents created and treated by several different State Security Organisations and organisation entities or documents specially treated in certain respects.

The main sets of documents in this section are the former so-called "Closed Archives", which contain documents of the show trials, different operative and network files, documents referring to internment and deportation, informational reports for the Ministry of Home Affairs and documents about staff, finance and employment.

Section 3: Network, operative and investigation files
(1851) 1945–90 (2003) – volume: 2,486.22 linear metres
This section contains the majority of the documents of the Archives such as investigation files, operation files, work files or enlisting files. Beside the files that were handled by the central operative archives, a separate series of files contain documents of the former Main Division III/I (Intelligence Service).

Section 4: Collections
(1910) 1944–2007) – volume: 103.29 linear metres
This section comprises different background materials used by the former State Security Organisations, including a collection of decrees in connection with State Security, documents concerning different extreme right-wing organisations, a collection of items handed over to the Archives for safe custody and contemporary State Security training films.

Section 5: Documents after the year 1990
1994–2005 – volume: 45.21 linear metres
This section contains documents of the "Screening Committee" that examined individuals in important public confidence and public-opinion forming positions.

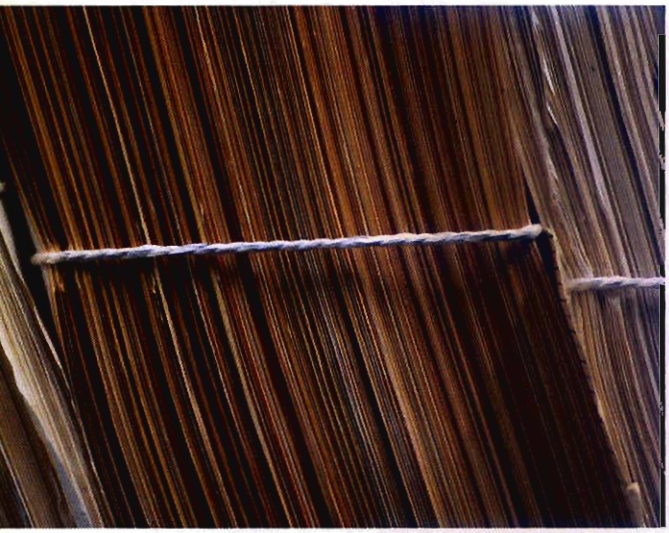
The majority of the documents in the Archives are from Division III/III, the counter interior reaction division.

In effect from February 1, 2000, contemporary regulations obligated the National Security Organisations to hand over to the Archives all documents that had ceased to be of interest to them in respect of management. It was then that the collection was expanded with the documents of Main Divisions III/I (Intelligence Service), III/II (Counter Intelligence Service), III/IV (Counter Military Service), those of III/V (special services) and other internal documents relating to State Security.

Documents that are still classified as secret and kept in the National Security Services must be checked every three years by the secret owners. If these documents cease to be classified secret, they are also to be transferred to the Historical Archives.

The Historical Archives is continuously receiving and processing documents that can still be found in other organisations and after necessary archival processes and in accordance with to legal regulations, the Historical Archives ensures that these are made available for scholars or citizens concerned.

At the end of 2012, the Historical Archives contained 3,949.40 linear metres of documents. More than two thirds of this documents are of different types of files. The others are functional documents from the former State Security Organisations and the collections, background documents and contemporary registers created and used by those organisations.



The Archives maintains mainly paper-based records, but we also have large quantities of contemporary security microfilm copies of investigation and operation files and Daily Operation Information Reports.

Processing the different (investigation, operation, work, enlisting etc.) files that make up the majority of documents kept in the Historical Archives consists of three steps:

- in order to serve citizens and researchers more effectively, we put the personal data of the people concerned into our electronic database;
- we digitize the most frequently used files that are in bad physical condition page by page. We keep the contents on the central database, which makes preparatory work inside the Archives easier and prserves the original documents; and
- during the thematic processing of these files, all the information that may help us find the given document later, description of context, and all data concerning when and how the documents came to being are recorded in our central database. Within the legal framework, our researchers have access to the central database of the Historical Archives and other electronic research aids both in the Reading Room of the Archives and on the Internet.

Most of the documents kept by the Archives are highly acidic, fragmented or heavily damaged by continuous use over the decades. The Historical Archives' project "Implementation of complex document protection programme in the Historical Archives" received support in April 2009 as part of the EEA and Norway Grants. This program involved the restoration, digitization and mass de-acidification of documents and ensured that their non-classified digital copies were made publicly accessible. Through this project we have restored, de-acidified and digitized more than 1.3 million pages of damaged documents. The total number of digitized pages exceeded 2.5 million in 2012.

5. Regulations Concerning Access to the Files and Legal Restrictions

1. **One can have access to the documents kept in the Archives if one is**
 - **a.** the person in the files or a close relative after the person's death,
 - **b.** a scientific researcher,
 - **c.** anybody, or
 - **d.** another state institution.

The law differentiates between persons according to whether the person in the files is

- the person observed,
- a professional employee,
- a network person,
- an operative contact person, or
- a third party.

The person observed is a person who was the target of State Security activity, i.e. the victim.

A professional employee is somebody who was employed by State Security Organisations as a member of either the secret or the public staff.

A network person is an informant who, according to the document, meets at least one of these specifications: they sent secret reports under a cover name, signed a declaration of enlisting or their activity acquired advantages.

An operative contact person is any person who was kept in records as a "voluntary contact" or "occasional contact"by the organisations that produced the documents coming under the effect of this Act; or any person who continually provided information as a volunteer without signing a declaration of enlisting.

A third party is anybody who does not fall into any of the above mentioned categories.

2. Access to the Files

The documents contain the names and posts of lots of people of executive power (e.g. detectives, policemen, judges, attorneys, party secretaries, KISZ [Union of Communist Youth] secretaries). These persons are not kept anonymous as their names and positions are public data if not data of public interest.

The person observed can have access to the most data. They can read the documents kept about them and the documents necessary to identify the network person, operative contact person and employees who were in connection with their person.

A third person can find out about the data kept about them. After the death of the person observed or a third person these rights are the close relatives' legal due. A close relative is a relative in direct line, a sibling, a spouse or life partner if the marriage or the partnership existed both at the time when the document was made and at the time of the person's death.

An employee, a network person or an operative contact person can have access only to the data that is in connection with his or her person. Thus an employee is not entitled to see what they asked the victim during questioning, or whom and how they enlisted. Similarly, network persons cannot look at reports they made, as those are not their own data. Relatives of these people do not inherit the right to access. This rule has already caused conflicts. Namely, it must be separately decided in each case to which category the person involved belongs. A person may have been an employee in one period of his or her life and a person observed in another. It is more frequent for somebody to have been a person observed and an informer at the same time by the criteria of law.

The people affected can get a free copy of all the documents they are entitled to see. In these copies we have to make anonymous all the data they were not entitled to see.

Anybody can have access to and publish the documents that do not contain personal data. According to the main rule, personal data can only be made public after the time of protection expires. The time of protection is 30 years after the person's death; if the date of death is unknown, 90 years after the date of birth; if this is also unknown, 60 years after the date of the document. In the case of some especially sensitive personal data the time of protection is lengthened to 60, 90 or 120 years. This data concerns race, nationality, minority or ethnic status, religion or other ideology, state of health, obsessions and sexual life. Written permission of the person affected can make exceptions from this main rule.

Within the above mentioned framework, anybody who turns to our Archives can not only look at one particular document but they can carry out scientific research as well. Research is free; however, copies of the documents must be paid for. Data that has been legally made public or that is in connection with public personalities are an exception since anybody may have access to them.

Special rules refer to public personalities. Whether the person is a public personality now or used to be one makes no difference; anybody who has or used to have executive power, has been nominated for such position or has the task of forming the political public opinion is included. Anybody can turn to the Historical Archives to ask for data concerning the possible State Security past of such people, to find out whether the documents show the legal criteria of their being an employee, a network person or an operative contact person. In such cases, the Historical Archives has to ask the person affected whether they admit their being a public personality. This question that must be asked is whether there are any documents about the person's State Security past or not. (Otherwise asking the question would mean passing judgement). If the person admits to his or her being a public personality, the Archives will answer the enquiry. If the person does not admit to being a public personality, the Historical Archives has to deny their request. The person who came up with the request may go to court and then it is the court's decision whether the person affected is a public personality or not. The Archives will fulfil or deny the request according to the sentence.

3. Scientific Research

Researchers can have access to the widest range of documents. They can see any document, with the exception of some special data, even within the time frame of protection. A scientific researcher is a person with a research permission issued by the Historical Archives. Conditions under which such a permission can

be obtained and the framework of the permit are defined in the Act of Archives and the Act that founded the Historical Archives. In this respect, the citizens of the European Union and the states involved in the European Economic Agreement have the same rights as Hungarian citizens. A detailed research plan, a list of publications and a so-called Statement of Support must be attached to the request for a Research Permission. A Statement of Support is issued by a research institute on the basis of the detailed research plan. If the Permission of Research is denied, the researcher may go to court.

Citizens of other States can get a Permission of Research if the Commission of European Union has stated that the given State will secure the proper protection of personal data. In such cases a Statement of Support can only be issued by the respective institute of the Hungarian Academy of Sciences.

The scientific researcher must give a statement that they will keep the rules of data protection while handling or publishing the data. This is necessary because in order to understand and learn the past, a scientific researcher can have access to a lot more data than can be made public. The Law of Data Protection contains the rules of making data public. According to this law, the institute or the person who carries out scientific research can only make personal data public if the person affected has given their consent or it is crucial from the point of view of showing the results of researching historical events.

The restrictions are as follows: before the time of protection expires (which is 30, 60 or 90 years for researchers), researchers can have access to data concerning race, nationality, minority, or ethnic status, religion or other ideology only with permission from the Archives. Data concerning state of health, obsessions and sexual life can be subject to research only after the time of protection expires. The person observed or a third person may forbid the research of their personal data for no longer than 90 years after the date of the documents. Employees, network people and operative contact persons have no such rights. All other data may be researched without constraints.

Courts may indirectly ask the Archives for data if it is needed for their tasks. Other State Institutes can only have access to the documents kept in the Historical Archives if they have the approval of the National Security Committee of the Hungarian Parliament in advance, or in urgent cases they must inform the Committee after the event.

Access to the documents is free for everybody, but copies of the documents must be paid for by researchers, scientific researchers included.

6. Cooperation

The Historical Archives regularly cooperates with organisations and institutions in Hungary and abroad. Cooperation pertains to the following:

1.
The main aim of cooperation with Hungarian archives is to search for documents concerning State Defence and State Security that are kept in other institutions in order to record them on a modern data carrier and make them easily accessible to scientific researchers. An outstanding moment in this endeavour was the digitalization of the documentation of the trial of Imre Nagy, Prime Minister of the 1956 Hungarian Revolution and War of Independence, and his companions. We carried out this task together with the National Archives of Hungary and the Interview Collection of the National Széchényi Library. The material was introduced in June 2008.

To preserve valuable documents that are still classified secret and kept by the National Security Services although they are within the jurisdiction of the Historical Archives. We have signed Agreements of Cooperation with the National Security Services.

To facilitate data supply from documents that refer to former employees of the Ministry of Home Affairs, we signed an agreement with the Ministry of Home Affairs in 2005 (and another one in 2007 with its legal successor, the Ministry of Justice and Security). The agreement was sanctioned by the National Security Committee of the Hungarian Parliament.

2.
In July, 2004, the leaders of the institutes with similar missions in Germany, Poland, the Czech Republic, Slovakia and Hungary wrote a letter to Romano Prodi, then President of the European Council. In this letter they called his attention to the problems of handling and processing former State Security documents.

On April 11, 2005, based on the international contract between the Government of the Hungarian Republic and the Government of the United States of America, an agreement was signed between the United States Holocaust Memorial Museum and the Historical Archives of the Hungarian State Security. In this program, the American party could get digital copies of the documents which are about the 1938–45 persecutions and the limitation of rights concerning Hungarian Jews or others belonging to an ethnical or religious minority or certain political groups.

In November, 2005, we signed an Agreement of Cooperation with the Nation's Memory Institute in Bratislava. The aim of this agreement was to coordinate research in both countries and to uncover documents about our countries in both institutes.

In November, 2008, an Agreement of Cooperation was signed in Budapest between the Institute for the Study of Totalitarian Regimes (based in Prague) and the Historical Archives. The agreement comprises common scientific programs, organising scientific conferences and meetings, editing common publications and sharing experience gained while processing archive material.

On December 16, 2008, the representatives of the archives in Germany, Bulgaria, Poland, Romania, Slovakia, the Czech Republic and Hungary that keep documents concerning the secret police signed an agreement in Berlin. According to the declaration of intent, the European Network of Official Authorities in Charge of the Secret Police Files will mean tight cooperation among the states that signed this agreement. Therefore, they can present a united front in questions concerning the publicity of documents, the freedom of research in disclosing the sins of the previous regime and the activity of the secret services. In accordance with this agreement, the seven institutes are in regular contact through a coordination group and a presidium that is changed every year and organizes conferences at regular intervals.

3.
We arranged an international conference titled "Reaction to the 1956 Revolution in the Countries of the Soviet Bloc". Our partner in organising the conference was the Documentation and Research Institute of the1956 Hungarian Revolution – this event was part of our cooperation. The conference was opened on September 22, 2006 by Dr. Katalin Szili, President of Parliament.

On October 3 and 4, 2007, we celebrated the tenth anniversary of the foundation of the Historical Archives. To commemorate the event, we organised an international workshop under the title "Recent Past Dragged along – Experience while Exploring Secret Service Documents". The conference was opened by Dr. Katalin Szili, Speaker of Parliament. Representatives of similar institutes from Germany, the Czech Republic, Poland, Romania and Slovakia also participated in the workshop and gave presentations about their own experiences.

In October, 2008, we organised an international conference in Pécs with lecturers representing our fellow institutes abroad. The topic of the conference was "Those Who Watch and Those Who Are Being Watched – How useful secret agents documents are from the point of view of social history", and the co-organising institutes were The Pécs Committee of the Hungarian Academy of Sciences and the Historical Institute of the Faculty of Arts of the University of Pécs.

On October 4, 2013, we celebrated the 15th anniversary of the Historical Archives. The ceremony was opened by Sándor Lezsák, Deputy Speaker of the Hungarian Parliament. Representatives of partner institutions from Germany, the Czech Republic, Poland, Romania and Slovakia also participated in the event. The official opening was followed by a book show introducing the most recent publications of the Historical Archives and a 3-D presentation about the internment camp in Recsk. It concluded with a presentation about file restoration in the Historical Archives.

To sum up, we may conclude that during the fifteen years of its existence, the Historical Archives has formed a wide range of relationships with institutes and researchers that store and handle former State Security documents both in Hungary and abroad. The above mentioned facts, which are far from comprehensive, show that our institute plays an important role in Hungarian scientific public life and we have regular business contacts with similar institutes in neighbouring countries.

The Institute of National Remembrance Commission for the Prosecution of Crimes against the Polish Nation

Poland

1. The Establishment of the Institute of National Remembrance

The Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation (IPN) was established by the Polish Parliament by virtue of the act as of 18 December 1998. Its actual activity began in the middle of 2000, the moment the first President of the IPN was chosen by the Sejm. This post was taken by a lawyer, Professor Leon Kieres, who held it till December 2005. In 2005–2010 the position was held by Professor Janusz Kurtyka. Dr. Łukasz Kamiński, historian and 2006–2011 Deputy Director of the Public Education Office of IPN, has been President of the Institute since 28 June 2011.



Łukasz Kamiński, President of the Institute

The resolution on the establishment of the IPN, made by the coalition of parties, stemming from the Solidarity movement (which took over the power from the post-Communist coalition) and having the majority in the Polish Parliament, was connected with an attempt to solve the problem of documents left after the Communist State Security Bodies dissolved in 1990. This concerned the establishment of an institution which was apolitical and independent from the government.

The institution would take control over the archives of the Communist political police which were controlled by Secret Service. It would also make the documents available to people who were objects of invigilation. Earlier, citizens could not acquaint themselves with their own "files". The collected documents were also to be used to check the past of people who hold public positions.

2. Goals and Remit of the Institute of National Remembrance

The Institute of National Remembrance is a special institution having the functions of state and justice administration, of an archive, an academic institute, an education centre and (since 2007) of a body which conducts vetting proceedings.

The Institute of National Remembrance includes the following four substantial departments which are responsible for its main actions:

Office for the Preservation and Dissemination of the Archival Records (Biuro Udostępniania i Archiwizacji Dokumentów) collects, keeps, secures, elaborates on, records and makes documents available. These are the documents of the State Security Service created between 22 July 1944 and 31 July 1990 and also the documents of the Security Service of the German Third Reich and the Union of Soviet Socialist Republics.

Public Education Office (Biuro Edukacji Publicznej) conducts activity in the following three fields: scientific research, education and publishing. Within the scientific activity there are numerous research and docu-

mentary projects concerning the history of Poland between 1939 and 1989; various seminars and conferences are organised. The goal of the education activity is to popularise knowledge and to develop historical awareness of the society by means of among others,



INSTITUTE OF NATIONAL REMEMBRANCE

exhibitions, lectures, public debates, Internet websites and also workshops for teachers and students. The IPN has so far published more than 1,100 books including collections of documents, monographs, proceedings of scientific conferences, biographical dictionaries, photographic albums and educational materials. The IPN also issues three scientific periodicals: "Remembrance and Justice", "Archival Review" and "Repression Apparatus in People's Poland 1944–1989" as well as a popular scientific monthly "Pamięć.pl" ("Remembrance") designed for wide audience. In parallel, pamiec.pl educational platform was launched in 2012. The Institute also implemented new methods of education such as board games, out of which the 2011 edition of the game "Kolejka" ("Queue"), became a globally popular novelty.

Chief Commission for the Prosecution of Crimes against the Polish Nation (Główna Komisja Ścigania Zbrodni przeciwko Narodowi Polskiemu) is an investigating department of the IPN and simultaneously a specialised part of the public prosecutor's office of the Republic of Poland. It conducts penal proceedings concerning the Nazi and Communist crimes ("actions performed by the officers of the communist state between 17 September 1939 and 31 July 1990 which consisted in applying reprisals or other forms of violating human rights in relation to individuals or groups of people," Art. 2 Act on the Institute) and other crimes which are classified as crimes against peace, war crimes and crimes against humanity committed on Polish citizens and on people of Polish nationality who were citizens of other countries, between 1 September 1939 and the end of 1990. The Chief Commission also investigates "any person who, without being authorised, destroys, hides, damages, removes or modifies the contents of the documents or information records" as well as "refrains from transferring them, impedes their transfer or thwarts it" (Art. 54 Act on the Institute). Finally the Chief Commission is responsible for reviewing and prosecuting cases in which a person publicly and contrary to the facts denies crimes (Art. 55 Act on the Institute), such as is in cases of "Holocaust Denial" ("Kłamstwo oświęcimskie").

Prosecutors of the Chief Commission conduct investigations and bring indictments to court. From 2000 until the end of 2012, acts of indictment were issued against 434 persons, of which 157 were convicted, while 32 were acquitted and 89 defendants were granted amnesty. Hearing the issue of limitation of Communist crimes, the Supreme Court in its resolution of 25 May 2010 concluded that the prosecution of Communist crimes, punishable by imprisonment up to 5 years, has been barred from limitation, which in the future will reduce prosecution of the perpetrators of such crimes.

The Chief Commission is continuing the work of the Chief Commission for the Investigation of German Crimes in Poland, which had existed (under various names) since 1945 and was incorporated into IPN at the moment of its establishment in the year 2000. From the beginning of the functioning of the IPN's investigative department, i.e. from August 2000, prosecutors took over the entire investigative and archival resources of the former Chief Commission for the Investigation of German Crimes in Poland, and began their investigations. Consequently, since the beginning of the IPN prosecutors have conducted over 10,000 investigations, during which they have questioned more than 80,000 people as witnesses.

One of the most important investigations, initiated and conducted since 2004, has looked into the Katyń massacre, during which more than 22,000 officers, policemen, political prisoners, prisoners of war and other state officials were murdered in Katyń, Tver, Kharkov and other sites, under a resolution of the highest Soviet authorities of 5 March 1940. This investigation involves seeking and interrogating the thousands of legal successors to the victims. Additionally, archival queries were carried out in Ukraine, Belarus, Great Britain, the United States and other countries. The investigation into the Katyń massacre as well as other legal proceedings conducted by the IPN prosecutors (e.g. in the case of crimes committed by officers of the Third Reich in 1939–1945, Ukrainian nationalists in 1939–1947, and the Communist crimes that were perpetrated until the

end of 1989) helps significantly to inform about the tragic history of Poland.

Other important investigations carried out by the prosecutors of IPN include the Jedwabne pogrom, during which approximately 250 Jews were killed by Polish peasants, or the investigation into the Augustów roundup, a post-war crime committed by Soviet soldiers against Polish independence fighters from the Home Army (AK), who surrendered after fighting the Germans in local woods – a crime many call "little Katyń".

Vetting Office (Biuro Lustracyjne) verifies the truth of declarations made by people in public positions as determined by the law or by people who compete for these positions. The declarations concern cooperation with the State Security Service or their work for these bodies between 22 July 1944 and 31 July 1990. If there are any doubts concerning the authenticity oft he vetting declaration, the case is brought to the common court of law which in case of a lie, can deprive the vetted person of his/her public function for a specified period of time. Vetting procedure runs according to the rules of penal proceedings and the prosecutor of the Vetting Office fulfils the function of a public prosecutor. Information on the content of State Security Bodies' records concerning people who hold the most important public functions are also published on the Internet. Moreover, the Vetting Office publishes on the Internet catalogues with data concerning the officers of the State Security Service, people who held managerial posts in the Communist state, in the Communist Party and in its ally parties. The data also concerns people who (with their consent) were invigilated and under surveillance of the State Security Service. The IPN obtained its vetting functions in March 2007, which was when the Vetting Office was established. Its activity is regulated both by the Act on the IPN and the Act on the Disclosure of Information on Documents of State Security Agencies from the Years 1944–1990 and the Content of such Documents of 18 October 2006.

3. Legal Status and Organisational Structure of the Institute of National Remembrance

With respect to the legal status, the Institute of National Remembrance – Commission for the Prosecution of Crimes against the Polish Nation is a chief state administrative body. The IPN is managed by the President who is independent of other state authority bodies.

The President of IPN is appointed and dismissed by the Sejm with the consent of the Senate, on application of the Council of the Institute of National Remembrance. The Council chooses its candidate in a public and open contest. The term of the IPN President lasts five years beginning with the date the oath. The IPN President submits an annual report to the Sejm and the Senate about the activities of the Institute, which – if rejected by the Council – constitutes the basis for the parliamentary motion to impeach the President.

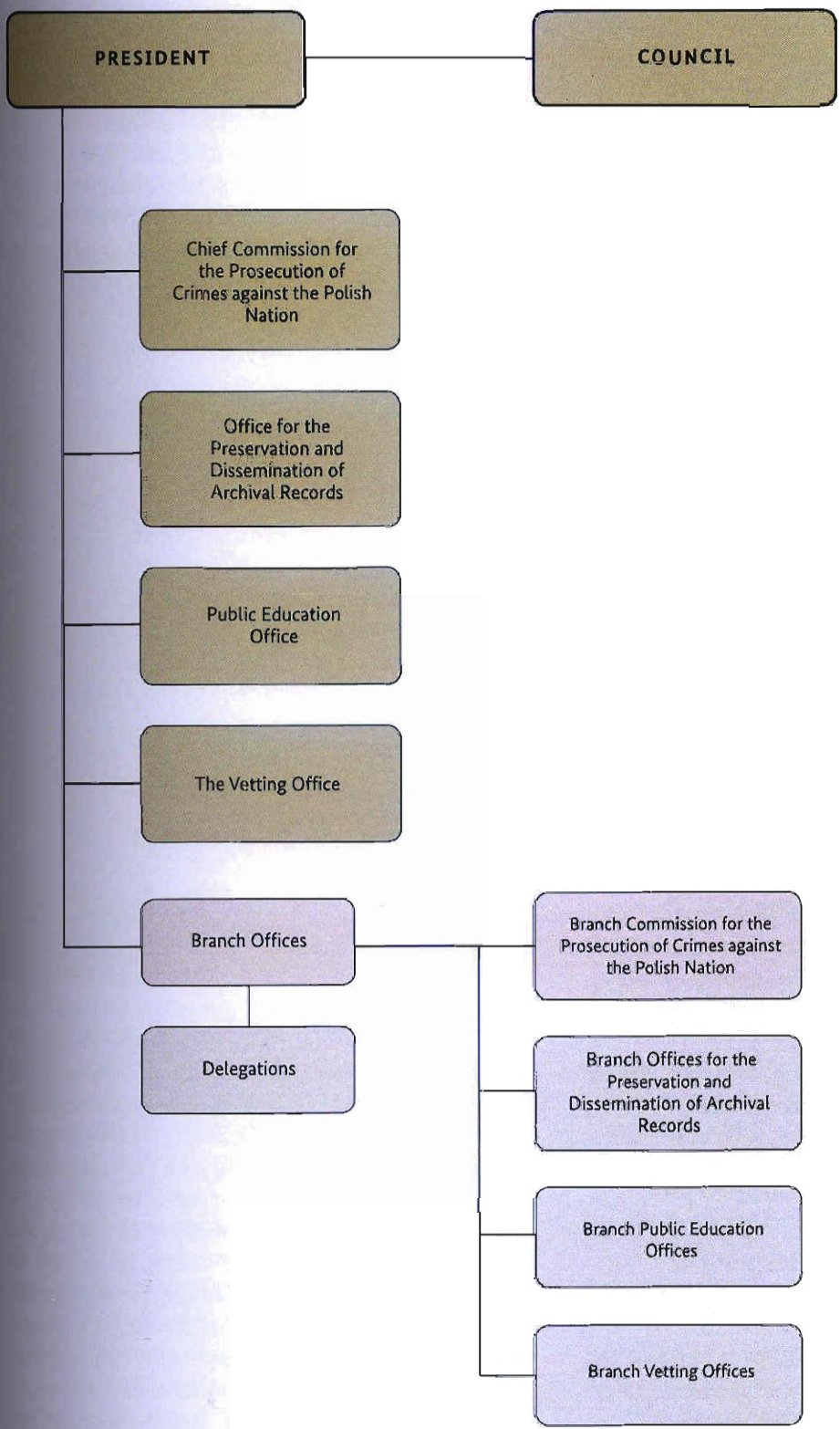
The Council of the Institute is a consultative and supervisory body. It includes nine members appointed by the Sejm, the Senate and the President of Poland for six-year terms. The Sejm and the Senate appoints respectively five and two members from among candidates proposed by the assembly of electors (chosen through a contest), appointed by councils of universities and research councils of the institutes of the Polish Academy of Sciences. The other two members of the Council are appointed by the President of Poland from among candidates nominated by the National Judicial Council and the National Council of Prosecutor's Office.

Among its many responsibilities, the IPN Council's most significant tasks include:

- determining the rules and setting priorities for storing, researching, editing, securing and disseminating archival documents
- establishing and determining the course of IPN's scientific projects
- formulating recommendations for the Institute's work concerning scientific research, education, access to documents, prosecuting crimes and vetting procedures.

The Institute of National Remembrance, as a state office whose existence and activity is regulated by the act of Parliament, is financed from the national budget. The IPN budget amounted to 223 million zlotys for the year 2012 (ca. 53 million euro). At the end of 2012, the Institute employed 2,236 people (including 132 prosecutors): 39.9% worked in the archival department, 14.3% in the public education department, 9.5% in the vetting department, 8% in the investigating department and 28.3% in administration and security.

The organisational structure of the Institute includes the headquarters with the following basic organisational units: Chief Commission for the Prosecution of Crimes against the Polish Nation, Office for the


PRESIDENT
COUNCIL
Chief Commission for the Prosecution of Crimes against the Polish Nation
Office for the Preservation and Dissemination of Archival Records
Public Education Office
The Vetting Office
Branch Offices
Delegations
Branch Commission for the Prosecution of Crimes against the Polish Nation
Branch Offices for the Preservation and Dissemination of Archival Records
Branch Public Education Offices
Branch Vetting Offices

Preservation and Dissemination of the Archival Records, Public Education Office and the Vetting Office. The Institute contains eleven branch offices, which are located in major Polish cities and structurally operate in a manner similar to the headquarters. There are an additional seven delegations subordinate to the branch offices. The branch offices and delegations are managed by directors or heads appointed by the President of the Institute. The IPN's President also appoints and dismisses the directors of the Office for the Preservation and Dissemination of the Archival Records and the Public Education Office, as well as heads of the branch offices' organisational units.

The prosecutors of the Chief Commission, Branch Commissions, the Vetting Office and the Vetting Branch Offices are appointed by Attorney General at the request of the National Council of Prosecutors. Director of the Vetting Office and heads of the Branch Vetting Offices are also appointed at the request of the IPN's President, while the appointment of the Director of the Vetting Office requires the additional consent of the Institute's Council.

The Director of the Chief Commission for the Prosecution of Crimes against the Polish Nation is appointed by the President of the Poland from among the IPN prosecutors at the request of the Attorney General and with approval of the President of IPN. On the basis of this performed function, the Director of the Chief Commission is simultaneously the Deputy Attorney General.

IPN organisational aspects which are not defined by the Act on the IPN are defined by the IPN's Statute adopted by the Council at the request of the IPN's President.

4. Archival Resources of the Institute of National Remembrance

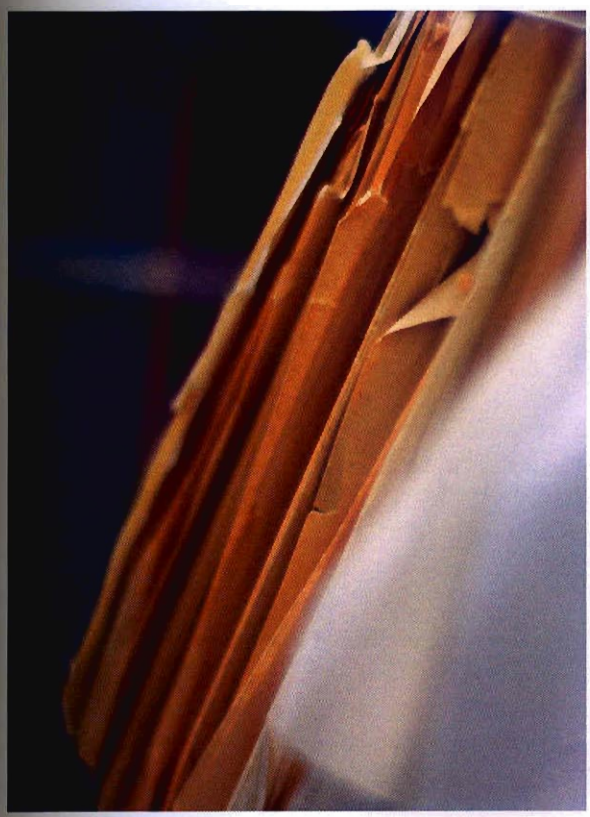
The archival holdings of the Institute of National Remembrance include 90 071,7 running metres of records. The IPN Archives are the biggest archives in Poland (to compare: the overall stock of the common archives subordinate to the Ministry of Culture and National Heritage includes over 300,000 running metres of records). 34% of the records (30,985.7 running metres) are held in the Central Archives in Warsaw and the remaining part in IPN's offices and delegations.

The IPN Archives gather documents created between 1944 and 1990 by the State Communist Security bodies (among others, Public Security Department of the Polish Committee of National Liberation, Ministry of Public Security, the Committee for Public Security and the central institutions of the Security Service of the Ministry of Internal Affairs, together with subordinate regional units, including, among others intelligence and counterintelligence services, the Civic Militia, military intelligence and counterintelligence; see art. 5, Act on the IPN) and also prosecutor, court and prison records concerning the people victimised due to political causes. At the moment of the IPN establishment, the archive of the former Main Commission for the Investigation of German/Nazi Crimes in Poland was included in the archival stock of the IPN with its more than 2,600 running metres of documents. A small, but valuable part of the IPN Archives are made up of donations and collections from private people. They are a precious supplement to the gathered collections. On deposit in the IPN Archives there are also records concerning the participation of Polish Armed Forces in the Warsaw Pact. These records were transferred from the General Staff of the Polish Armed Forces on the basis of the decision of the Minister of National Defence and since 2011 have been fully accessible to researchers with very few exceptions.

The process of completing the IPN Archives was primarily carried out from 2001–2005. It is, however, not finished. A great number of archival materials regarding the history of Poland is continually obtained from abroad and included in the archival stock of IPN as a result of bilateral archival exchange agreements with institutions such as the United States Holocaust Memorial Museum or Yad Vashem. Records were taken from several dozen institutions: civil and military Secret Service, ministries (mainly Ministry of Interior and Administration and the Ministry of Justice), Police and Border Guard Offices, courts, prosecutor offices and other archives. It is common knowledge that from 1989–1990, the operational records of the Security Bodies were significantly destroyed. This concerns mainly the files of secret collaborators of the Security Service and documents of the Military Internal Service (Wojskowa Służba Wewnętrzna), however, there is no data that would allow the scale of damage to be competently determined.

In the IPN Archives there are documents preserved on all possible carriers. Apart from the most often used

paper records, there are microfilms (over 800,000 microfiches and reel microfilms), photographs (about 39 million), films (over 2,000), audio tapes (almost 1,500), and also digital carriers. One of the biggest uniform groups of records are the passport records of citizens (44,000 running metres) and various kinds of card files (over 10,000 running metres).



The biggest threat for the life of the collected archives is the acidification of paper which causes higher fragility of documents and photographs. In order to protect the resources from further deterioration, the Institute has begun scanning archival material. Records have been digitalised since 2006, documents; microfiches and microfilms since 2007. On average, 500,000 pages of documents and frames of microfilms are transferred into digital copies each month. Overall, by the end of 2012, 214,000 archival units and 187,000 photographs had been digitalised. Audio-visual materials are also subject to preservation and digitisation. Current regulations do not provide for documents to be published on the Internet, however, digital copies are made available to applicants in the reading rooms of the Institute.

Creating electronic informational aids is an important area of work of the Archives. The Digital Archive was launched at the end of 2012. This computer system enables efficient collection and sharing of data in digital formats concerning the resource and work carried out on it. Eventually the database will contain information about all archival resources of IPN. It will also facilitate the data management.

Furthermore – obliged by Polish Parliament, the Institute has started publishing archival inventory on its websites. The process to complete the work on the archival aidcontaining description of the resource at the level of archival units will take several years.

The ZEUS database collects descriptions of photographs and allows their viewing. In addition, the archives of the Institute provide access to the database of the International Tracing Service in Bad Arolsen, which contains information about the victims of World War II.

The archival department is also involved in the research and publishing activities of the Institute. Among the publications produced by the archive, worthy of particular mention are "Information about the archival resources of the Institute of National Remembrance", the scientific journal "Archive Review of the Institute of National Remembrance", and editions of sources, co-edited with the archives of Ukraine, Romania and Lithuania.

5. Rules of Making the Documents Available

Dissemination of documents collected in the archives of the IPN is carried out under the provisions of the Act on the IPN and the Act on the Disclosure of Information on Documents of State Security Agencies from the Years 1944–1990 and the Content of such Documents of 18 October 2006.

The dissemination principles have changed several times since the creation of the Institute of National Remembrance. Until March 2007 access to documents was provided to persons who had acquired the status of a victim. Applicants attained this status when on the basis of records stored in the IPN; it could be assumed that security authorities were gathering information about them. Status of a victim could not be obtained if an applicant became an officer, employee or a secret informant of the security authorities or if no documentation on the applicant was found in the Institute's

archives. Since the Act came into effect, it has also guaranteed researchers and other entities the right to use the IPN resources. Former employees and officers of the security authorities were able to obtain copies of the certificates or opinions about their service.

The 2007 amendment to the law on the IPN significantly extended the right to access documents stored in the Institute's archives. Since then, after the abolition of the status of the victim, everyone had the right to access the anonymised copies of the documents concerning them. Excluded from access were only those documents which the applicant had created himself in relation to cooperation, work or service in the security agencies. In addition, everyone has been granted the right to access the files of employees and officers of state security organs, the documents of public officials and vetting case files completed by a valid court ruling. Furthermore, the right to access archival materials by public authorities and other institutions, organisations and individuals has been maintained for the purpose of carrying out the tasks laid down by law, scientific research and journalistic activities.

The latest amendment to the Act on the IPN of March 2010 abolished the requirement for anonymisation and provided all applicants full access to their documents in their original form or copies.

Under the current legal status, access to documents of state security bodies collected in the archives of the IPN is carried out according to the following procedures:

1.
Everyone has the right to apply to the IPN for access to documents concerning them. The completed application must be submitted in person at the IPN branch office or sent by post, provided the applicant's signature is authenticated. Persons permanently residing abroad may submit applications to Polish consular posts. The applicants may appoint a representative to carry out their rights. The right to file an application is also granted to the deceased's next of kin as defined by the Criminal Code.

The Institute of National Remembrance provides documents concerning the applicant in original form or as a copy when the physical condition of the documents does not allow access to the originals, when handling originals may risk causing damage, or when access to the same documents is requested by several different people at once. Materials are also available as copies that were produced by the applicants or with their participation regarding the activities performed in connection with their work or service in state security agencies or in connection with the activities performed as co-workers or as secret collaborators in the process of gathering information.

After viewing the documentation the applicants are entitled to ask the IPN to provide copies of the documents concerning them free of charge, to hand over items stored in the Institute's archives that were their property or in their possession and to receive the names and other data describing the identity of employees, officers and persons who submitted information on them to the state security bodies.

Everyone has the right to approach the IPN with an application to have a set of documents concerning them attached to their own additions, corrections, updates, clarifications, additional records or copies. But the document originals in IPN's possession always remain unchanged (Art. 30–35b, Act on the Institute).

2.
Everyone has the right to inspect personal documents regarding an employee or officer of state security bodies. Former employees and officers of state security bodies may receive copies for their personal documents (Art. 35c, Act on the Institute).

Documents are also made available to conduct scientific research or to publish press material. Non-academic staff is required to include in the application a written recommendation from a researcher who is authorised to carry out scientific research in the disciplines of humanities, social science, economy or law. Journalists must include in the application a written authorisation from the editorial office or publisher.

In regard to requests to access files for scientific research or publication of press material, if the call numbers are known and no additional search query is required, the documents are made accessible within 7 days of the date of the submitted application. Exceptions are made when the requested documents are in the technical development, undergoing restoration or when they are currently in use.

The Institute charges a fee for the preparation and issuing of reproductions of documents for the purposes



of scientific research and the publication of press material. State Chancellery regulation defines the charging of the fees.

Researchers and journalists are not granted access to materials containing classified, personal or sensitive information stipulated by the person whom the documents concern.

Furthermore, the applicant to whom the documents were made available for research or press release purposes has the right to submit a request for information contained in the IPN's archives in data files and registers, also regarding secret informers, or persons assisting in the process of gathering information (Art. 36, Act on the Institute).

3.
Documents can be granted to state authorities so that they may carry out their statutory duties (see art. 36, Act on the IPN). Applicants requesting access to documents are required to submit an application containing the same information that is required for applications regarding scientific research and journalism. However, they must also indicate the legal basis for carrying out the tasks laid down by law. Institutions that access documents in this manner include: Office for War Veterans and Victims of Oppression, Council for the Protection of Struggle and Martyrdom Sites, the state security services, courts and prosecutor's offices, etc. As with applications for scientific research or publication of press material, if the call numbers are known and no additional search query is required, the documents are made accessible within 7 days of the date of the submitted application.

4.
In addition, everyone has the right to access the files of vetting cases, completed by a valid court decision, which are stored in the archives of the IPN (Art. 18, Act on the Disclosure ...).

5.
Everyone has the right to inspect documents of public officials, listed in the Act on the Disclosure of Information on Documents of State Security Agencies from the Years 1944–1990 and the Content of such Documents. This applies to individuals who served public functions as defined by article 22 of the Act, with effect from 24 August 1989, who are currently serving in these functions, who have consented to candidacy or to take on these functions. Under the Act, documents are also available of persons who occupied managerial positions in the Polish Workers' Party, the Polish United Workers' Party and the United Peasant Party and the Democratic Party, and former members of the Council of Ministers of the Communist state until 23 August 1989 or who during this period served as heads of central administrative bodies. IPN is obligated to publish in the "Public Information Bulletin" information

on resource documents concerning public figures. The data can be accessed on the Internet (Art. 22–28, Act on Disclosure...).

6.
Since 26 November 2004, when the catalog of officers, employees, candidates for state security collaborators and others was made public, anyone can apply to the Institute for the issuance of a certificate indicating whether their personal data is identical with the personal data listed in the catalog (Article 29a of the Act on the IPN).

7.
The Institute also handles applications to confirm the fact of confinement in the years 1944–1956 without trial in prison or another place of detention on Polish territory due to political or religious activities associated with the struggle for sovereignty and independence; confirm the fact that a child was taken away from parents to be exterminated or to be forcibly denationalised during World War II; to confirm the period of confinement in prison or other places of detention on Polish territory without a verdict after 31 December 1956, for political activities. In such cases the IPN performs only an auxiliary function.

When persons receive access to their documents and it is determined that no documents survived that were generated by them or in their collaboration within their work or service in the organs of state security, or regarding their activities as a secret collaborator or informer in the process of gathering information, they may request that the personal data collected in a clandestine manner during the inquiry procedures of state security bodies not be made available for academic or journalistic purposes for a period of up to 50 years from the date of their creation. However, personal data may be disseminated if it relates to the public service performed by that person. Persons meeting such conditions can also restrict information on them that reveals their racial or ethnic origin, religious beliefs, religious affiliation, health status, sexual life, and in regard to their financial status (Art. 37, Act on IPN).

Heads of the Internal Security Agency (Agencja Bezpieczeństwa Wewnętrznego), the Foreign Intelligence Agency (Agencja Wywiadu) and the Minister of National Defence may order that for some determined period, particular documents should not be made available to anyone apart from representatives designated by them, with regard to the safety of the State. Such a stipulation requires the approval of the President of the IPN (Art. 39, the Act on the IPN). Documents with such status constitute a separate collection within the IPN archives and make up approximately 0.6% of the entire archival stock of the Institute.

The provisions do not provide for differences in access to documents by Polish citizens and foreigners. Accessing documents is free of charge, with the exception of fees for copies requested for scientific or journalistic purposes. Applicants access the files in reading rooms located in regional offices nearest to their place of residence or another location indicated in the application. In the reading rooms individuals can use the electronic registry and archival aides. Documents are made available in a paper or digital form or on microfilm. Scientists and journalists who work in the IPN reading room may, for their personal use, make copies with their digital camera of the documents made available to them.

During the 11-years that the IPN has been operating, (data summary for the end of 2012) it received almost 628,000 applications regarding access to documents, including 99,000 requests to access records concerning applicants and 47,000 applications submitted by scientists and journalists. Approximately 78,000 persons accessed 1.1 million archival units in the Institute's reading rooms.

6. Cooperation with Other Entities

The Institute of National Remembrance cooperates widely with scientific institutions, civic organisations (including veteran organisations) and partner institutions at home and abroad. Close relationships are also maintained with the media – the press, as well as electronic media. The IPN has also working contacts with other archives and state institutions.

Scientific cooperation includes also the organisation of conferences, undertaking of common research projects and common publishing projects. Numerous educational and popularising projects are undertaken in cooperation with partner institutions.

The IPN has concluded agreements with many Polish universities and foreign institutions including: the German Federal Commissioner for Records of the State Security Service of the former German Democratic

Republic (Germany), the Nation's Memory Institute (Slovakia), the Institute for the Study of Totalitarian Regimes (Czech Republic), the National Council for the Study of the Securitate Archives (Romania), the Institute for the Investigation of Communist Crimes (Romania), the Security Service of Ukraine, Ukrainian National Memory Institute, and Ukrainian Catholic University (Ukraine), Committee on Disclosure of Documents and Announcing Affiliation of Bulgarian Citizens to the State Security and Intelligence Services of the Bulgarian National Army (Bulgaria), the Russian State Archive of Contemporary History – RGANI (Russia), the Historical Institute of Montenegro (Montenegro), Polish Historical and Literary Society (France), Lithuanian Special Archives and The Genocide and Resistance Research Centre of Lithuania (Lithuania), Jozef Pilsudski Institute of America, Woodrow Wilson International Center for Scholars, and the Holocaust Memorial Museum (USA), the Yad Vashem Institute (Israel), as well as multilateral agreements with European Platform of Memory and Conscience, International Council on Archives, the European Network of Official Authorities in Charge of the Secret Police Files.

There are several hundred institutions with which the IPN cooperates on a smaller or larger scale in various areas.

7. The public debate about IPN and its Place in the Political Arena in Poland

Public debate on the Institute of National Remembrance began officially at the moment when the Institute was established (though it started even before the IPN was formally created) and still continues with greater or lesser intensity. The debate concerns every area of IPN activity – the scope and the manner in which documents are made available, directions of scientific research and its educational message, policy on Communist crimes prosecution, and the manner in which vetting proceedings are carried out. In Poland, the most controversial issue spanning over two decades since the democratic transition in 1989 has been the matter concerning disclosure of identities of secret collaborators of Communist State Security bodies. Apart from disputes arising out of genuine differences in views on whether and how secret collaborators should be exposed and treated, there have also been many myths and misunderstandings in that area. In colloquial speech the term "vetting" (lustracja) – and some media often make it sound far more negative by writing about "the wild vetting" (dzika lustracja) – refers to all cases in which identities of secret collaborators of the State Security Service have been disclosed, regardless whether in the process of making the documents available to invigilated persons (who are fully entitled to learn the names of the informants), scientists or journalists, or as the result of "vetting" sensu stricto regulated by relevant provisions of law.Since 2000, the Institute of National Remembrance has been, for different reasons, both praised and criticised by all political forces (the post Communist party maintains a consistently negative stance on the IPN). Furthermore, the Act on the IPN has already been amended several times, the last of which took place in March of 2010, liberalising the rules on disseminating documents. The newly formed IPN Council, composed of apolitical professionals, gained greater supervisory powers over the President of IPN. Currently in Poland there is a debate over reforming prosecution. New laws will most likely affect the Institute of National Remembrance, and their goal will be to improve operations of the Chief Commission for the Prosecution of Crimes against the Polish Nation.

The controversies concerning the Institute of National Remembrance have clearly diminished significantly over the last two years. Vetting has become generally accepted as a necessary mechanism to achieve transparency in public life. No one seriously questions the need for wide opening of the archives of Communist special services anymore, either. In the public sphere, the educational and scientific activities of IPN enjoy more popularity – areas that were greatly overshadowed by the "files" of Communist political police in the first decade. The Institute of National Remembrance has acquired a solid position in the public life of Poland. It is considered an important institution of a democratic country, which aims to deal with the troubled past of a totalitarian dictatorship.

The National Council for the Study of the Securitate Archives

Romania

1. Founding History

The National Council for the Study of the Securitate Archives (Consiliul Naţional pentru Studierea Arhivelor Securităţii – CNSAS) is the official authority in Romania which administers the archives of the former communist secret police, the Securitate. CNSAS was established in the year 2000, after prolonged and heated debates that involved the political, as well as the civil society in post-communist Romania.

From among the six countries that experienced a regime change during the revolutionary year 1989 – Poland, Hungary, East Germany, Czechoslovakia, Bulgaria and Romania – only Romania was subject to a bloody exit from communism. In this respect, one should be reminded that in the December 1989 revolution over 1,104 people were killed and 3,321 wounded, of whom 944 were killed and 2,214 wounded after December 22, 1989. However, in spite of the blood that was spilled during the 1989 revolution, Romania's democratic transition proved to be tortuous and painful. The issue of opening the Securitate archives in order to document and expose publicly the violation of fundamental human rights perpetrated by the communist secret police emerged immediately after the 1989 regime change. During the first post-communist decade, civil society initiatives proved to be the most radical in this respect. The first attempt at introducing lustration in Romania originated in Timişoara, the city that sparked the 1989 revolution and opened the way towards a regime change in Romania. Thus, on March 11, 1990 it was issued in Timişoara the "Proclamation of Timişoara," whose Article 8 requested the banning of all former nomenklatura members, party activists, and officers of the former secret police from running in the next three elections. Article 8 of the "Proclamation of Timişoara" practically initiated the debate over lustration in post-communist Romania.

The "Proclamation of Timişoara" inaugurated a period of mobilization by civil society groups and organisations towards accelerating the pace of democratic transformation in post-1989 Romania. These actions culminated in the occupation of the centre of Bucharest on April 22, 1990. The area occupied by the demonstrators was declared the first "area free of neocommunism" and the round-the-clock protest, which lasted for almost two months, has been known since as the University Square phenomenon. The participants delivered anti-communist speeches every afternoon from the balcony of the University of Bucharest. Among the most important requests of the University Square demonstrators was the introduction of lustration, a principle formulated, as shown above, on March 11 in Timişoara. Time and again, the protesters requested the application of Article 8 of the "Proclamation of Timişoara." The University Square phenomenon was brutally suppressed by the authorities between June 13 and 15, 1990, and thus ended sadly in violence and bloodshed.

Former political prisoners played a paramount role in pushing for a complex solution comprising retribution, disqualification and restitution in dealing with the crimes and abuses of the defunct communist regime. The former political prisoners organized themselves from the very days of the 1989 revolution into an association of the survivors of the Romanian Gulag. The Association of the Former Political Prisoners in Romania (AFDPR) worked in close association with opposition political parties and other civil society organisations. Besides defending the rights of the members of the association, it had a very active role in establishing memorials for the victims of the communist terror associated with all major places on the map of the Romanian Gulag. Thus, AFDPR's scope since its establishment has been to deal with the communist past both legally and morally. From a legal point of view,

AFDPR's greatest victory was the passing of the Law 187/1999, or the "Law regarding the access to the personal file and the disclosure of the Securitate as political police", by the Romanian Parliament on December 7, 1999. Known since as the "Ticu Law," after its main proponent, former senator of the National Peasant Party and president of AFDPR, Constantin Ticu Dumitrescu, Law 187/1999 was voted in only after years of debate.

Law 187/1999 – published in Monitorul Oficial al României (Official Bulletin of Romania), No. 603, December 9, 1999, pp. 1–5 – granted the Romanian citizens, as well as the foreign nationals that were citizens of Romania after 1945, the right to access their Securitate files. Law 187/1999 created for the first time a legal framework for the study of the Securitate archives by any citizen interested in assessing "the political police activities of the former secret police in order to offer to society as correct as possible a picture of the communist period." A totally new institution, placed under the authority of the Romanian Parliament, was established in order to ensure the implementation of Law 187/1999: the National Council for the Study of the Securitate Archives (CNSAS), which was destined to take over the files of the former secret police from the agencies that took care of them after the 1989 regime change.

2. Legal Mandate and Mission

From its establishment, the major objectives of CNSAS have always been:

1) to ensure the free access of individuals to their personal files produced by the former Securitate during the period March 1945 to December 1989;
2) to disclose the former agents and informal collaborators, as well as to expose the repressive actions of the former communist secret police in accordance with the rule-of-law principles, and thus to enable lustration; and
3) to develop research and educational activities aiming at disseminating accurate historical information about the repressive actions of the Securitate and their consequences on the Romanian society.

Under Law 187/1999, the Board of CNSAS (the Collegium) was empowered to check holders of, and candidates for, public offices and assess whether they were involved in the activities of "the Securitate as political police." The concept of "political police" (poliţie politică) was defined by Law 187/1999 in order to apply lustration, understood as conditioning the access to public offices on certificates of morality based on the archives of the former communist secret police. The principle that has stayed as the basis of Law 187/1999 is that of individual responsibility and not that of collective guilt based on a simple association of an individual with the former Securitate. Thus, the Romanian law focuses on individual deeds and "proof beyond any reasonable doubt" concerning the infringement of fundamental rights and liberties.

During the period 2000 to 2005, CNSAS was confronted with major problems related to the transfer of the archives of the former Securitate to its archive. The Securitate files were transferred to CNSAS only selectively and in small numbers during the period 2000 to 2005. After the general elections of 2004, things changed tremendously. In mid-December 2005, the Romanian Intelligence Service (SRI) handed over some 1 million files to CNSAS. On the initiative of the current President of Romania, Traian Băsescu, elected in 2004, over the period April to August 2006, four decisions of Romania's Supreme Council of National Defense made possible the transfer to the CNSAS archive of approximately 1,555,900 files, comprising 1,894,000 volumes. As a result, the activity of CNSAS has gained momentum. Thus, according to the CNSAS Annual Activity Report 2006, during the year 2006 only, the Collegium of CNSAS unmasked 270 informal collaborators of the Securitate, which represented more than the number of informers unmasked by the Collegium during the entire period 2000 to 2005.

Evolution of legal framework (December 1999–March 2012)

Law 187/1999 defined for the very first time the concepts of collaborator and agent of the former Securitate. The mandate of the institution was to establish whether the people subject to the vetting procedure belonged to one of the aforementioned categories.

An individual qualified as an agent or collaborator of the former Securitate if he had infringed on the fundamental rights and liberties of others and such acts could be proven on the basis of "proof beyond any reasonable doubt" found in the Securitate files. The act of infringement on the fundamental rights and liberties of others was defined in the body ofLaw 187/1999 as "political police".

After the passing of Law 187/1999, two Governmental Emergency Ordinances were issued in order to enable the CNSAS to fulfil its mission: (1) Governmental Emergency Ordinance No. 149 of November 10, 2005, concerning the extension of the activity of the CNSAS, published in Official Bulletin of Romania, No. 1008, November 14, 2005, pp. 7–8; and (2) Governmental Emergency Ordinance No. 16 of February 22, 2006, regarding the amendments to Law 187/1999, published in Official Bulletin of Romania, No. 182, February 27, 2006, pp. 1–8.

The Emergency Ordinance No. 149 of November 10, 2005, regarding the extension of the CNSAS activity, and the Emergency Ordinance No. 16 of February 22, 2006, regarding the amendments to Law 187/1999 introduced a series of legal regulations that modified the definitions of the terms collaborator, agent, and political police. Through the said Emergency Ordinances, the right to access the personal file has been extended to relatives up to the fourth grade of the file owner; the right to access their Securitate files has been granted to EU and NATO citizens; and the sphere of verifications has been enlarged in the case of Securitate agents and collaborators.

Decision No. 51/2008 of the Constitutional Court of Romania

On January 31, 2008, the Romanian Constitutional Court issued a decision, Decision No. 51 of January 31, 2008, by which it declared Law 187/1999 as unconstitutional. The decision was highly contested and commented by some independent scholars and civic activists as another attempt of the "neo-communist camp" to stop a process that finally started to look promising. The sole genuine problem though was the simultaneous function of "prosecutor" and "judge" performed by the CNSAS Collegium, which was empowered by Law of 187/1999 not only to search for proofs of collaboration with the Securitate as "political police", but also to formulate a first judgment on the collaboration of the persons under verification.

Current legal framework

The decision of the Romanian Constitutional Court regarding the unconstitutionality of Law 187/1999 posed difficult questions concerning the future of CNSAS. In order to ensure the continuation of the activity of CNSAS, the government, headed at the time by Prime Minister Călin Popescu Tăriceanu, issued an emergency ordinance that created the legal basis for the functioning of the institution: Governmental Emergency Ordinance No. 24 of March 5, 2008, concerning the access to the personal file and disclosure of the Securitate, published in Official Bulletin of Romania, No. 182 of March 10, 2008, pp. 2–10. The said Emergency Ordinance was completed and modified by Law 293 of November 14, 2008, voted in by the Romanian Parliament and published in (Official Bulletin of Romania, No. 800 of November 28, 2008, pp. 1–4. Although the new legal framework led to changes in the activity of the institution, it did not change its mission and rationale.

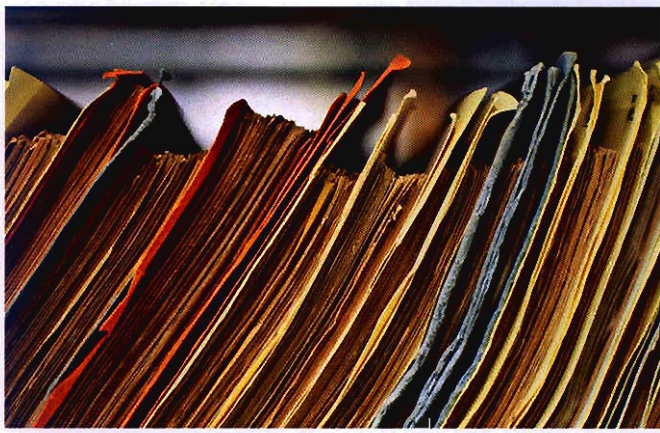
As long as it operated under Law 187/1999, that is, up to the year 2008, CNSAS had the ability to issue decisions regarding the status of agent or collaborator of the Securitate for the people subjected to the vetting procedure. These decisions were taken by the vote of the eleven members of the CNSAS Collegium, based on the evidence found in the Securitate files and the applicable law (Law 187/1999). The procedure involved a hearing of the respective person and presentation of the proofs found in the Securitate files prior to the vote of the Collegium. The person had the right to contest the decision made by the Collegium; in such a situation the person had the right to a new hearing followed by a new vote by the Collegium. The decision made by the Collegium was communicated in written form to the person concerned. Individuals had the right to appeal against the decisions of the Collegium of CNSAS and bring the case in front of a Court of Appeal. The Court of Appeal subjected the case to a secret trial in the presence of three judges, their decision being final and irrevocable. In the case that the decision of the Court of Appeal confirmed the status of agent or collaborator of the Securitate, CNSAS had to make sure that the full name of the respective individual was published in the Official Bulletin of Romania, Part III.

The new legislative framework, i.e., Law 293 of November 14, 2008, led to a modification of the legal status of CNSAS. Thus, the Collegium of CNSAS is no longer entitled to issue decisions that assess the status of a Securitate agent or collaborator for the people subjected

to the vetting procedure. Currently, CNSAS gathers through a complex procedure of corroborating relevant information the evidence found in the files of the Securitate in the case of the individuals subjected to the vetting procedure. When the documentation is complete, the Collegium of CNSAS assesses the evidence under the applicable law (Law 293/2008) and decides whether the case is to be brought in front of the Administrative Section of the Bucharest Court of Appeal, which decides upon the respective person's status as an agent or collaborator of the former Securitate. For its part, CNSAS has to ensure the publication in the Official Bulletin of Romania, Part III, of the final decisions of the Court.

The new legal framework (Law 293/2008) is more restrictive than the previous one (Law 187/1999) with regard to disqualification, but it ultimately allows for more transparency in the process of unmasking former collaborators. As mentioned above, the initial law was based on the concept of "political police," according to which an act of collaboration meant any denunciation that implied an infringement of the rights guaranteed by the communist Constitution. The new law defines the collaboration with the Securitate as those acts that not only violated fundamental rights of individuals, but also "denounced activities or attitudes adverse to the communist state." This principle, which could be termed as the principle of simultaneity – infringement of fundamental rights and denunciation of anti-regime attitudes and activities – obviously reduces the number of cases that can be brought in front of the Administrative Section of the Bucharest Court of Appeal on grounds of collaboration with the Securitate. In spite of the initial reservations and criticism coming especially from civil society organisations, the new legislation has unleashed a multifaceted process of unmasking and exposing the repressive actions of the Securitate. For instance, under the new legislation the number of informers whose real names were communicated to the persons that accessed their personal files increased from 610 in 2008, to 739 in 2010, and to 867 in 2011. In 2012, the number of informers whose real names were communicated to the entitled persons was of 858.

The complex procedure of gathering evidence from the files of the former Securitate is carried out by the Investigation Department. This department is in charge of identifying, assessing, and corroborating documents and information in order to establish the real identity of the collaborators and the specific activities and tasks undertaken by the Securitate agents. The Securitate collaborators are mentioned in the documents under their code names and, consequently, the identification of their real name is achieved through a series of specific investigation processes that imply connections between various files. The Securitate agents appear with their real names in the files, except for those



who worked for the foreign intelligence structures of the Securitate. In their cases, in order to assess their status as Securitate officers, the Investigation Department of CNSAS has to work closely with the present day intelligence services which possess data regarding their identity and career, and identify documents produced and signed by them.

Under the current applicable law, CNSAS has the following main objectives.

- To ensure the right of individuals to access their personal file devised by the Securitate, which consists of: the study of the original file; the issuing of copies of the documents comprised in the file and other notes that refer to their person.
- To ensure the right of access to information of public interest by Romanian citizens who live in the country or abroad, the media, political parties, nongovernmental organisations, and public institutions and authorities, concerning the status of a Securitate collaborator or agent of officials seeking or holding public office. In order to ensure the access to information of public interest, CNSAS provides on request information regarding the status of Securitate employee or collaborator of the candidates who run for public offices: president, general, local and the European Parliament.
- To conduct ex-officio verification of the people who run for, or have been elected or nominated

to, public offices, such as President of Romania, Prime Minister, member of the cabinet, member of the Romanian Parliament or the European Parliament, member of central and local administration, etc. Those who run or have been elected or nominated to one of these public offices, apart from those who by December 22, 1989 were under 16 years of age, are requested to fill out an official form regarding their association or non-association with the Securitate structures as agents or collaborators.

- To communicate upon the request of the entitled person, the identity of the Securitate employees and collaborators who contributed with information to the completion of the respective person's files. The names of the persons who were part of the Securitate structures or collaborated with them are published in the Official Bulletin of Romania, Part III.
- To develop educational programs and activities; organize conferences, seminars and lectures, exhibitions and documentary screenings on the communist dictatorship in Romania and the role of the Securitate in supporting it; to publish (primarily with Editura CNSAS, the CNSAS Publishing House, but also with other relevant publishers in Romania) its scientific research findings.
- To put at the disposal of Romanian and foreign accredited researchers documents and information relevant to their research topics.
- To ensure the continuation of the process of transfer of relevant archival documents produced by the former Securitate to the CNSAS archive, in accordance with applicable law, from holders of such documents, such as the Romanian Intelligence Service (SRI), the Foreign Intelligence Service of Romania (SIE), the Ministry of Justice, the Ministry of National Defense, the Ministry of Administration and Internal Affairs, the Romanian National Archives, etc.

Legal compensation and rehabilitation of the victims of the communist regime

CNSAS contributes to the process of legal compensation and rehabilitation of the victims of the communist dictatorship in Romania. An institutional priority in this respect is related to the application of Law 221/2009 regarding the political sentences pronounced during the period March 6, 1945–December 22, 1989. Over the period spanning from the passing of Law 221 in June 2009 and up to the end of the year 2012, CNSAS has received and solved as many as 17,693 requests concerning identification and release of copies from relevant documents.

CNSAS has collaborated closely with the Commission of Assessing the Status of Fighter in the Anticommunist Resistance of the Ministry of Justice certified copies of the documents regarding persons who were convicted for political reasons, those against whom abusive administrative measures were disposed, or those who participated in forceful or violent actions against the communist regime. This procedure led to the official awarding of the title of Fighter in the Anticommunist Resistance.

Research and reconstruction of the past, remembrance of the victims

The Collegium of CNSAS actively supports the research carried out by its own researchers, as well as by external researchers, both from Romania and abroad. Up to the present, the Collegium has accredited over 1,400 external researchers who prepare scientific articles, studies, monographs, collections of documents, as well as BA, MA or PhD dissertations. Moreover, the Collegium places a strong emphasis on the research activities carried out by the specialized department of CNSAS.

The Department of Research, Exhibitions & Publications was established with the purpose of developing scientific research on the communist dictatorship in Romania and the pivotal role played by the Securitate in ensuring its survival over the period March 1945 to December 1989. The department disseminates its findings through monographs, edited volumes of studies, collections of documents, publication of relevant memoirs, diaries and witness accounts, and organizes conferences, seminars and lectures. The main scope of these scholarly activities is the in-depth analysis of the repressive policy of the communist regime in Romania and the major manifestations of dissent and overt opposition to the regime. Furthermore, the Department places a strong emphasis on the commemoration of the victims of the communist regime and their remembrance.

At the same time, a Section of Educational Programs has been developed within the department in order to disseminate the results of the research carried out within CNSAS and contribute to the democratic consolidation in Romania via educational projects aimed at the younger generations and teachers of history. De-

mocracy can also be taught by exposing the human rights abuses of non-democratic regimes, as well as by remembering the courage and dedication of the freedom fighters. In this respect, the CNSAS archive contains a large number of documents related to resistance to communism, and thus a main concern of the institution is to make public the heroic deeds by individuals who opposed dictatorship.

At the same time, the witness accounts by victims of the communist dictatorship who have accessed their files in the CNSAS archive represent precious testimonies for future generations. In order to collect and preserve such memories, CNSAS established an Oral History Centre in 2010 named after the late Constantin Ticu Dumitrescu, the initiator of Law 187/1999 and a prominent figure in the struggle to unmask the wrongdoings of the former Securitate.

CNSAS also engages in joint educational projects aimed at the general public. Thus, in 2008 CNSAS initiated a partnership with the Historic Research Society, an association of Bucharest history teachers, aiming at developing teaching and research on the recent past. Another dimension of CNSAS strategy directed towards the advancement of communist studies in Romania in the larger European context is to engage in projects financed from European funds. In this respect, CNSAS developed a project entitled "Learning History through Past Experiences: Ordinary Citizens under the Surveillance of the Securitate during the 1970s and 1980s," financed by the European Commission. The project involved the production of a documentary movie entitled "Under the Surveillance of the Securitate." Several domestic and international workshops were also organized and a reader was published under the framework of the said project.

The organisation of exhibitions in partnership with Romanian and foreign institutions represents another priority for the CNSAS in order to raise the public awareness with regard to the repressive actions of the communist regime against innocent civilians. Exhibitions are usually organized as travelling exhibitions. Up to now, such exhibitions have been presented in a number of Romanian cities, such as Bucharest, Iaşi, Făgăraş, Arad, Timişoara, Giurgiu, Braşov, Sighetul Marmaţiei, Constanţa, Cluj-Napoca, Oradea and Sibiu. The exhibition The Un-open Society, for example, realized in partnership with the Romanian Cultural Institute (ICR), was presented at the Central European University (CEU) in Budapest (December 5–15, 2007) and in the city of Szeged (February 21–26, 2008) and was well received by the general public in Hungary. The exhibition was based on more than 300 documents translated into English which contained important information regarding the repressive actions of the Securitate.

A significant corpus of scholarly works published by the CNSAS researchers and employees already exists: monographs, dictionaries, edited volumes of studies, collections of documents, witness accounts and diaries. Some of these works are posted on the CNSAS website and can be downloaded free of charge.

At the same time, the CNSAS Collegium decided to initiate a complex process of posting on the official website of the institution a great number of original documents in electronic form, which can be downloaded free of charge. These documents can be divided into the following six categories: (1) secret orders, resolutions, action plans, etc. issued by the Ministry of Internal Affairs during the period 1948–1989; (2) documents related to the internment of individuals in labour camps during the period 1950–1960; (3) relevant official documents of the Romanian Communist Party, such as: Reports to the Party Congresses (1945–1989), the "Declaration of April" (1964), the "Theses of July" (1971), the Program of the Romanian Communist Party (1974) etc., as well as various speeches by prominent Party leaders; (4) the collection of the journal Securitatea, classified as "secret" and dedicated solely to the Securitate apparatus (1968–1989); (5) the collection of the Securitate publication Studii şi documente (Studies and documents), 1969–1971; and (6) propaganda brochures and educational materials for the indoctrination and training of the Securitate apparatus.

As already mentioned, CNSAS publishes a biannual professional journal entitled Caietele CNSAS; once an issue is published, the previous one is uploaded on the CNSAS website and can be accessed free of charge.

3. Legal Form and Structure of the Institution Structure of CNSAS

CNSAS is an autonomous public authority, placed under the control of the Romanian Parliament, which administers the archives of the former communist secret police in Romania, the Securitate. CNSAS presents activity reports annually or by parliamentary request,

which are subsequently posted on its website (www.cnsas.ro). The institution is organized at a national level and is fully financed from the state budget. Since the founding of CNSAS, the allocated budget has been periodically revised according to the current economic situation. Consequently, the economic crisis has also affected our institution. In terms of personnel, one



Dragos Petrescu, President of the Collegium

should mention that initially the organisational chart of CNSAS comprised 300 positions. Over the period 2008–2011, the number of positions was gradually reduced as follows: 254 in 2008; 250 in 2009; 239 in 2010; and reached 234 in the year 2011. In 2012, the CNSAS personnel amounted to 238. The budget allocated to CNSAS was reduced accordingly over the period 2008–2011. The figures presented below refer to the local currency (RON): 16,869 thousand RON in 2008; 14,335 thousand RON in 2009; 12,021 thousand RON in 2010; and 10,872 thousand RON in the year 2011. A slight increase in the CNSAS budget was registered in the year 2012, when the budget allocated amounted to 11,014 thousand RON.

The CNSAS headquarters is located in Bucharest and the institution does not have any local subsidiaries. In terms of structure, CNSAS comprises the following Departments: Archive (a current archive located in the main building in downtown Bucharest and a general archive located outside Bucharest); Investigation; Research, Exhibitions & Publications; Communication; Legal; Information Management; Economic Management; and Human Resources. The CNSAS employees are mainly young people who have no connections whatsoever to the structures of the former Securitate. In terms of education, the CNSAS employees are university graduates – Legal Studies, History, Political Science, Sociology, Psychology, Public Relations, Archival Studies, etc. – many of them holding MA or PhD degrees.

The activity of CNSAS is conducted by a Board (the Collegium) composed of eleven members, nominated by the Romanian Parliament for a 6-year mandate, as follows: nine members are nominated by the parliamentary groups according to the political configuration of the Parliament, and two members, representing the civil society, are nominated by the President of Romania and the Prime Minister, based on consultations with civil society organisations. The members of the Collegium cannot be members of political parties throughout their mandate. Former employees or collaborators of the Securitate, as well as people who have been involved in criminal acts, are prohibited from working for CNSAS.

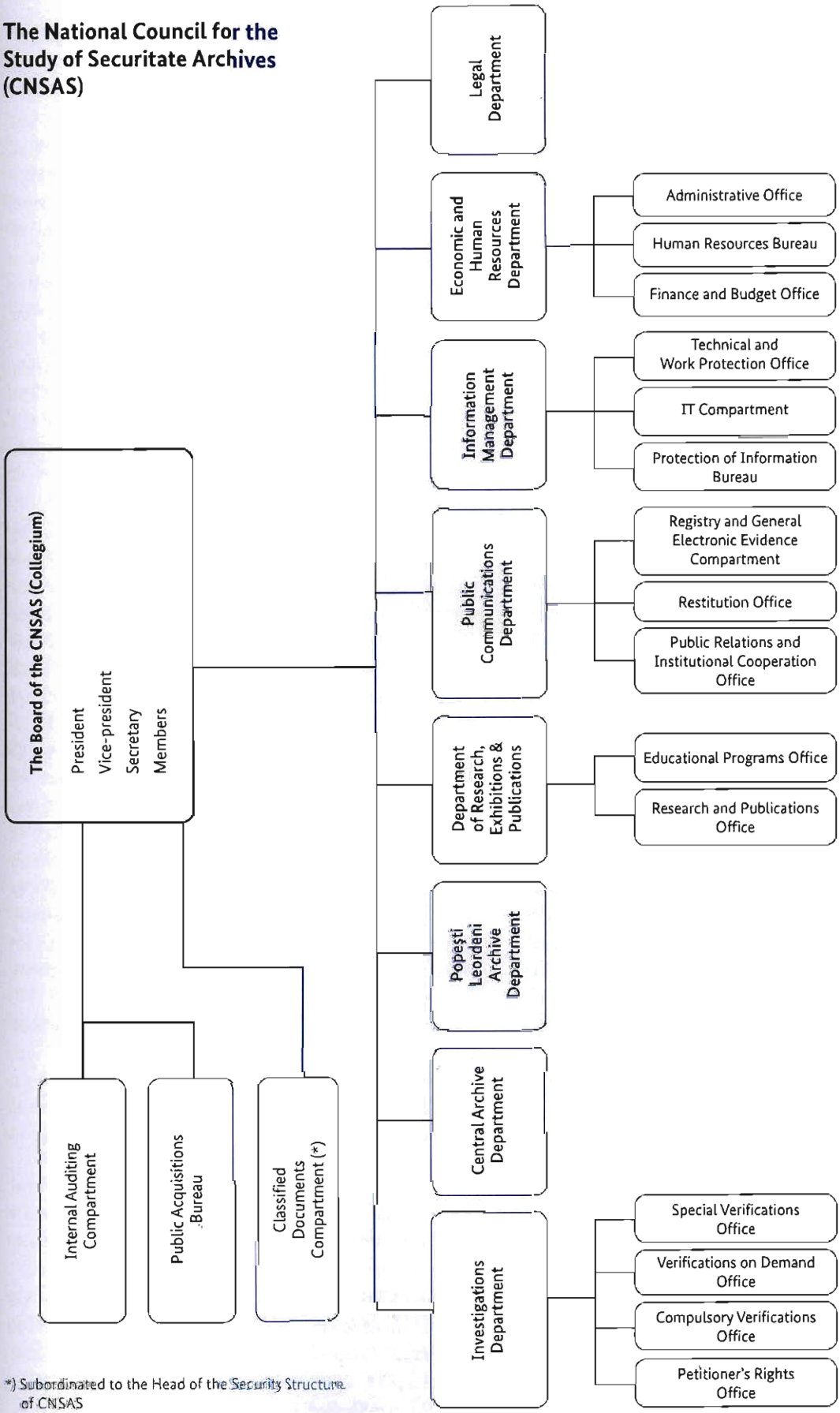
4. Delivery Status

CNSAS is one of the major archive holders in present day Romania. Its holdings contain classic paper files, microfiches, audio and video materials, as well as microfilms. The main corpus of documents consists of over 2,000,000 files produced by the former Securitate (over 24 km of archive) and continues to grow. The holdings of the CNSAS archive are organized as follows:

1) surveillance files that pertain to the people who were under the surveillance of the Securitate;
2) collaborators' files that pertain to the people registered as collaborators of the Securitate;
3) documentary files regarding specific problems, e.g. "bourgeois" political parties, religion, art and culture; press and censorship; or listeners to foreign radio stations;
4) files transferred from the Foreign Intelligence Service of Romania (SIE) which are usually microfilms of documents regarding operations the Securitate carried out abroad;
5) files pertaining to the correspondence fund, which are generally internal administrative documents of the Securitate; and
6) manuscripts, i.e., original manuscripts confiscated by the Securitate.

The documents from the CNSAS archive have been transferred from the institutions that took them into custody immediately after 1989, of which the most important are: the Romanian Intelligence Service, the Foreign Intelligence Service of Romania, the Ministry of Justice, the Ministry of National Defence, and the Ministry of Administration and Internal Affairs. The process of appraisal and transfer of the documents

The National Council for the Study of Securitate Archives (CNSAS)



*) Subordinated to the Head of the Security Structure of CNSAS

produced by the Securitate was a protracted and difficult one that spanned over a long period of time: it was started in the year 2000 and it is still going on.

In terms of the structure of the CNSAS archive, around 70% of the holdings consist of written documents in typed and handwritten form; some 25% consists of microfilms; and circa 5% consists of audio and video materials. The transfer of written documents, as well as of microfilms, from various previous holders to the CNSAS archive is still under way. The importance of the microfilms should be emphasised once again. A significant number of files were copied on microfilm. Therefore, there is still a chance of recuperating paper files that were not preserved in the Securitate archive due to their existence on microfilm. According to a CNSAS internal evaluation, in approximately 50% of the cases, a copy of a paper file was kept on microfilm.

Intentional or accidental destruction of Securitate files also occurred during the 1989 revolution in Romania. An extreme situation in this respect occurred in the city of Sibiu, where the archive of the Sibiu Securitate branch was burned down during the 1989 revolution. Another incident was reported in early 1990, when Securitate documents partially destroyed by fire were discovered in the village of Berevoieşti. Parts of these documents were recovered, then scanned, and are presently kept in the CNSAS archive.

The documents in the CNSAS archive are generally legible, though minor problems exist in the case of those documents kept in improper conditions or those which are of some 50 years old. The documents transferred from the Foreign Intelligence Service (SIE) are on microfilms and 60% are legible. The process of digitizing the holdings of the CNSAS archive has become a priority of the institution. One the one hand, the use of documents in digital form permits the protection and preservation of documents that are intensely consulted and are therefore in danger of being damaged or destroyed for ever. On the other hand, the creation of a digital library – which is envisaged for the near future, will ease significantly the access of the researchers to the CNSAS archive and the release of the copies from documents they request. The digitizing process has been initiated in 2006 and has been accelerated significantly beginning in 2010, when new equipment dedicated to digitizing both written documents and microfilms was acquired.

5. Access to the Files and Legal Conditions for Dealing with the Files in Public

The access to an individual's personal file, as well as to documents and information that refer to the respective person, is permitted to any Romanian or foreign citizen who has held Romanian citizenship after 1945, and to any EU or NATO national, and implies the direct study of the file and the issuing of related copies. A person, subject of a file from which it results that they have been under the surveillance of the Securitate, has the right, upon request, to find out the identity of the Securitate employees and collaborators who have contributed with information to the completion of the respective file. Beneficiaries of these rights are the surviving spouse and the relatives, up to the fourth grade, of the deceased person or their legal heirs.

CNSAS issues copies of the documents produced by the former Securitate on the name of the respective person regardless of its nature or technical support when requested by the entitled person. Copies of documents that might affect the privacy of third parties are released only after the respective information has been blacked out by the CNSAS specialized personnel. Romanian and foreign researchers have access to the CNSAS archive on the condition of their prior accreditation by the Collegium of CNSAS. After being accredited, a researcher is entitled to obtain copies of archival documents on condition that the right to privacy of the people mentioned in the respective file is observed. Non-compliance with these legal provisions can attract civil, criminal, administrative or disciplinary responsibility, for the CNSAS employees as well as for those who have had direct contact with the documents.

As mentioned above, numerous publications edited by the former Securitate, as well as various publications edited by the Romanian Communist Party, are uploaded regularly on the official website of CNSAS and can be downloaded by researchers or the persons interested free of charge.

6. Collaboration and Partnerships

CNSAS has been always open to collaboration and development of joint projects, as long as these are aimed at research, education or reconciliation with the communist past, and do not propagate extremist ideas, attitudes or behaviour. A special emphasis is put on

cooperation with similar institutions in East-Central Europe, members of the "European Network of Official Authorities in Charge of the Secret Police Files." In this respect, CNSAS was elected to chair the said European Network during the period October 2010–July 2011. Thus, on July 14, 2011 CNSAS hosted the Annual Meeting of the European Network, which took place in the Human Rights Hall of the Romanian Parliament.

More generally, our institution develops projects and programs with institutional partners from Romania and abroad aimed at researching the communist past – with a special emphasis on the repressive actions of former Securitate, and consolidating a democratic political culture in Romania. Thus, beginning in 2010 CNSAS and the "Nicolae Iorga" Institute of History in Bucharest have developed – with the generous support of the Konrad Adenauer Foundation (Germany) – a major collaborative project concerning the institutionalization of a yearly conference focusing on the Romanian communist dictatorship in a broader regional and European context. The conference is organized every year in the month of March, beginning in 2011, and gathers reputed scholars from Romania and abroad.

In terms of foreign institutional partners, CNSAS has developed special partnerships with the United States Holocaust Memorial Museum in Washington DC and the Institut für deutsche Kultur und Geschichte Südosteuropas in Munich. Together with correspondent institutions from abroad, public institutions, cultural and non-governmental organisations, museums, universities, and research institutes from Romania and abroad, CNSAS has organized various events ranging from signing partnerships and protocols of collaboration to symposiums, conferences, lectures and exhibitions.

7. Perspectives of the Institution in the Light of the Public and Political Debate

Since its establishment, CNSAS has always been in the midst of a general societal debate concerning the opening and administration of the Securitate files. Romanian society has had high expectations from the part of the post-1989 authorities with regard to the opening of the Securitate files and the disclosure of the former agents and collaborators of the secret police. Such expectations could not be met overnight due to the complexity of the task and the many administrative and legal issues that had to be properly solved. Over the period 2000 to 2005, the transfer of the Securitate files to CNSAS was carried out at a rather slow pace. It was only after 2005 that the political society in Romania decided to meet the expectations of civil society. As a consequence, from late-2005 onwards, the transfer of the Securitate files to the CNSAS archive has been significantly accelerated.

It may be argued that from early-2006 onwards the institution has been truly able to work towards completing its mission of opening the Securitate files to the public; facilitating the access of individuals to their files; following its mission of vetting holders of public office in accordance to the applicable law; and promoting research and engaging in educational projects. At this moment, one can safely argue that CNSAS is working fully in accordance with the expectations of civil society and is able to fulfil its multiple tasks.
However, one should not neglect the highly sensitive materials handled by CNSAS, as well as the profound implications the activity of the institution has upon Romanian society in general. The Securitate had an enormous impact on the lives of the Romanian citizens during the communist period and a significant number of people were associated with the communist secret police as agents or collaborators. Thus, one can infer that the public disclosure of the names of the former agents and collaborators in post-communism affected in many cases the public image of those who concealed their past association with the communist secret police. As a consequence, CNSAS has been subjected to constant pressure and vicious attacks in the media especially from the part of those whose present day positions might be affected by their disclosure as former Securitate agents or collaborators.

Finally, one should emphasize that CNSAS receives valuable feedback and support from a significant segment of the political society that advocates reconciliation with the past, as well as from individuals and civic organisations that struggle for the opening of the Securitate files, disclosure of former agents and collaborators, democratic education, and remembrance of the victims of the Romanian Gulag.

Nation's Memory Institute

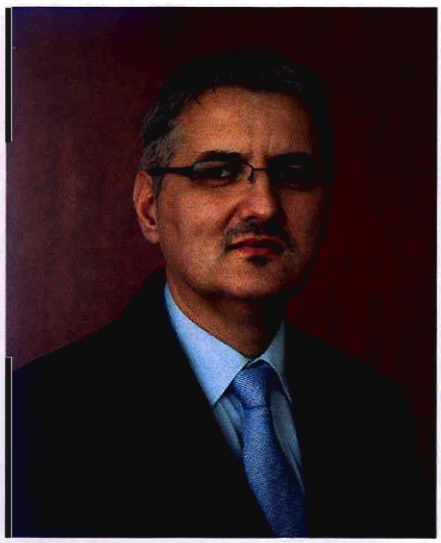
Slovakia

1. Founding History

The Slovak Nation's Memory Institute (ÚPN) was preceded by several years the Unit for Documentation of Crimes of Communism, created in 2000 under the auspices of the Ministry of Justice of the Slovak Republic by the then Minister Ján Čarnogurský. The unit had, however, very few powers to exercise and so its main responsibilities included consultant services on the indemnification procedure, and initiation of review for so-called residual punishments, i.e. cases still pending after the closing of rehabilitation proceedings etc.

Act no. 553/2002 Coll. establishing the Nation's Memory Institute was, as such, first passed by the National Council of the Slovak Republic in 2002. Even though President Rudolf Schuster exercised his right and vetoed the bill, the Parliament overruled the president's veto and the bill was definitely passed. The law became valid on September 28, 2002. The founding of the ÚPN was, practically, sponsored by the Ministry of Justice. Even Ing. Ján Langoš, the first Chair of the Institute's Board of Directors, was prior to his appointment engaged as Advisor to the Minister Daniel Lipšic. The Act itself draws upon the Polish and German models.

The ÚPN took up its activities in 2003 when based at the Ministry of Justice of the Slovak Republic. The same ministry assured the Institute on obtaining new premises situated at the Námestie SNP square in Bratislava. The plan was to have the ÚPN housed at the premises the Institute would own. Before the Ministry had arranged for vacation of the building concerned, the Institute carried out its functions at the leased premises located first at the Prosecutor's Office in Kvetná street and then at the Doprastav's office in Košická street. Finally, at the turn of the years 2005/2006, the ÚPN moved in the promised building, yet the relationship to the property was first declared as a borrowing. Then, at the turn of the years 2006/2007, the Ministry of Justice terminated the borrowing contract. Since 2008 the Institute's office has been again located at the borrowed premises, this time at the Ministry of Transport, Post and Telecommunications of the Slovak Republic. The place of the Nation's Memory Institute Archive is acquired under a commercial lease.



Ondrej Krajňák, PhD., Chair of the Board of Directors

Throughout its history the Nation's Memory Institute has several times faced the circumstances that its dissolution was on the table. First-time speculations emerged in the late 2006. After Ján Langoš's tragic death the Parliament became deadlocked over the nominee for the Chair of the Institute's Board of Directors. The second, more serious attempt to dissolve ÚPN was made in 2008 when a group of Deputies submitted a bill to the Parliament to dissolve the ÚPN. The bill was, however, withdrawn in a short time. Thoughts about dissolving the Institute were also presented by one of the political parties in 2010 but no concrete



steps were taken. In 2011 the government prepared an amendment to Act no. 553/2002 that would change the structure of bodies of the ÚPN, increase government jurisdiction in creating these bodies, extend and simplify citizens' access to documents from ÚPN's archive, extend and specify tasks appointed to ÚPN by law and the conceptual apparatus of the law. The amendment was not passed.

Ing. Ján Langoš, the first Chair of the ÚPN Board of Directors, died in 2006 in a car accident. For the following several months the Institute was run by PhDr. Ján Ondriaš, the newly elected Vice-Chair of the Board of Directors. It took some time to the Deputies of the National Council of the Slovak Republic to agree on the next person to hold the office of the Chair of the Board of Directors. That period of time did not end before February 2007 when Ivan A. Petranský, PhD was called to the position. His term terminated in January 2013 and in February 2013 the new chairman, PaeDr. ThDr. Ondrej Krajňák, PhD., was elected.

2. Legal Mandate and Tasks

The responsibilities of the Nation's Memory Institute refer to the facts specified in Section 8(1) 1 of the Nation's Memory Act. The State has set about 10 main tasks for the ÚPN to fulfil: 1) perform complete and unbiased evaluations of the period marked with oppression, primarily, analyze the following: causes and means of loss of freedom, manifestations of fascist and communist regimes and their ideologies, and involvement of the native and foreign persons in such manifestations, 2) disclose documents on persecution to the persecuted individuals, 3) publicize information on the persecutors and their activities, 4) give rise to the prosecution of crimes and criminal acts pursuant to Section 1 in liaison with the General Prosecutor's Office of the Slovak Republic, 5) provide relevant information to public authorities, 6) systematically accumulate and expertly process all types of information, records and documents relating to the period of oppression, 7) work together with institutions of similar mission operating either inside or outside the Slovak Republic, esp. archives, museums, libraries, personal observers of the resistance movement, survivors of the concentration and labour camps, provide them with information and research options, render methodical counsel and promote their activities, 8) provide the public with the results of the Institute's activities, primarily, disclose information and other documents related to the period of oppression between 1939 and 1989 concerning individual actions and life stories, release and disseminate publications, organize exhibitions, seminars, conferences, discussion forums, 9) promote ideas of freedom and defence of democracy against such regimes as Nazism and communism, 10) decide on granting status of an anti-communist resistance participant. 11) decide on granting status of veteran of anti-communist resistance in memoriam and issue the certificate of veteran of anti-communist resistance and certificate of veteran of anti-communist resistance in memoriam. Significantly, the documents concerning activities of the State security agencies, which are now possessed by the ÚPN, are by law regarded important for the preservation of the nation's memory in Slovakia and are, accordingly, declared the national cultural heritage.

It follows from the mentioned tasks that the Institute also plays a certain historical and ethical role since it is perceived as a relevant establishment in the view of the totalitarian past of this country. No Screening Act is in operation in Slovakia, and neither exist any other legally codified facility to prevent former officers or coopted workers of security agencies from holding almost any kind of public office. Political parties are in a position to freely nominate former officers or cooptees of the communist security agencies to most of the public offices. Nevertheless, the ÚPN's operation has virtually been instrumental in raising public awareness so that disclosure of the said past usually comes along with political embarrassment, and pressure of the public opinion seeking and resulting in resignation of the person concerned. Having the officers or cooptees of the former security agencies acting in some domains of life in Slovakia is regarded as a security risk, which is, consequently, considered when it comes to satisfying the requirements as to security audits.

Last but not least, the ÚPN's authority also has the right to grant official status of anti-communist resistance participant and anti-communist resistance veteran



to citizens who between 1944 and 1989 took an active part in the opposition movement against the totalitarian regime. By the end of 2012 the ÚPN granted such status to 440 persons. This number includes 58 people who were granted the status of veteran of anti-communist resistance in memoriam and 516 citizens of Slovak Republic who were granted the status of veteran of anti-communist resistance.

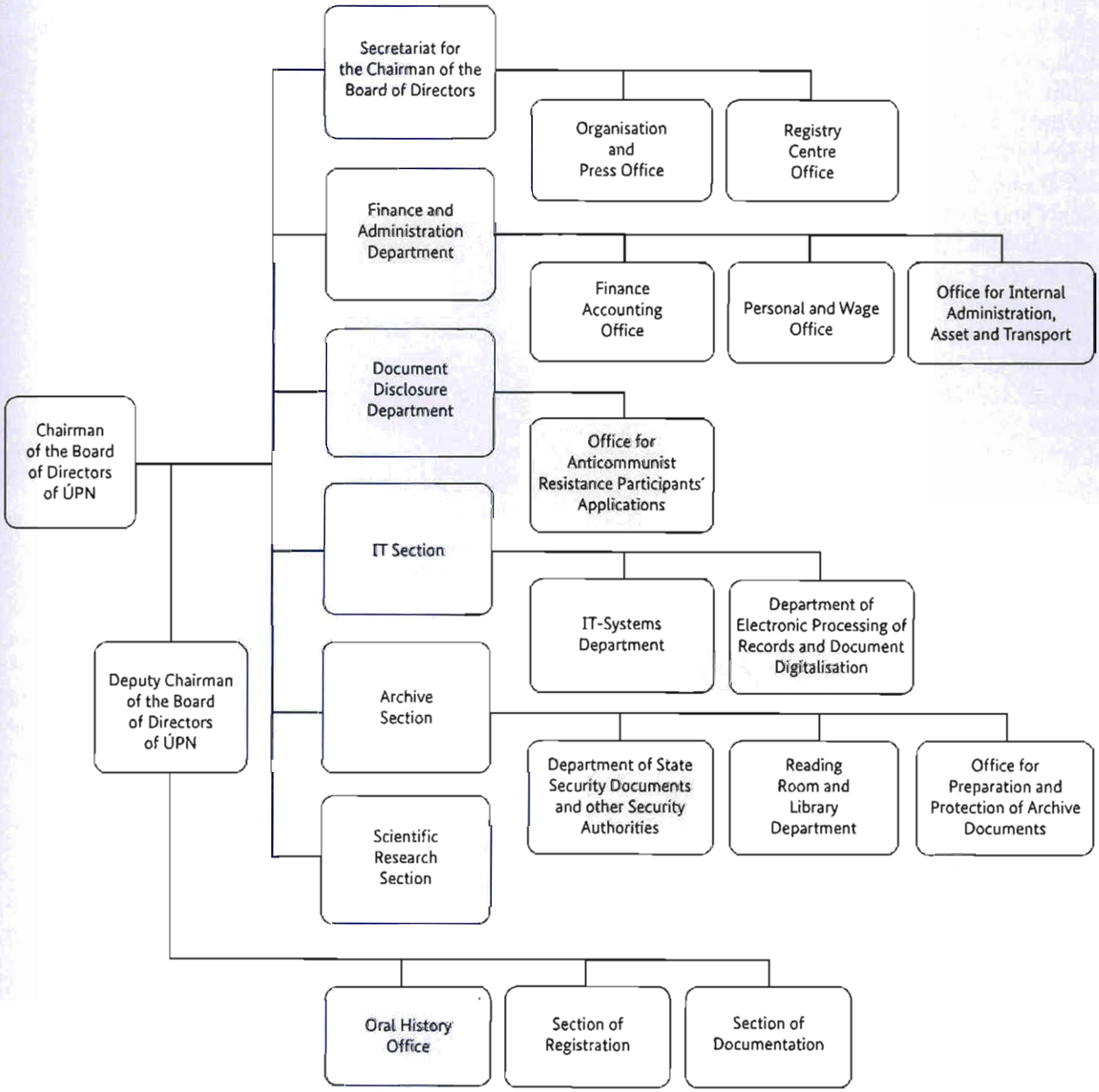
3. Legal Form and Structure of the Institution

The Nation's Memory Institute is an independent public establishment. The Institute does not report to any government department, but is subordinate to either the National Council of the Slovak Republic or of the Committee of the National Council of the Slovak Republic for Human Rights, Nationalities and Positions of Women.

The bodies of the Nation's Memory Institute are as follows: Board of Directors, Supervisory Board, and Committee. The job of the Board of Directors is to appoint and control the Committee and supervise its activities, approve the Institute's wage policies, code of rules and amendments to the code of rules, rules of procedure in place for the Committee and the Board of Directors, deal with annual financial statements and submit the statement of finance to the Government for consideration. The Institute's Board of Directors has nine members. Their term of office takes six years. The Chair of the Board of Directors, who is elected by the National Council of the Slovak Republic, also acts as an authorised representative of the Institute. Other four members of the Board of Directors are elected by the National Council. The Government and President of the Slovak Republic appoint two members each. Members of the Board of Directors may only be removed by the body which has appointed them, only if convicted upon a final judgment of a criminal act or on failure to exercise their powers for more than 6 months. The Board of Directors elects its Vice-Chair from among the members of the Board. The Committee ensures the course of the Institute's activities according to the provisions of the Nation's Memory Act and instructions given by the Board of Directors. The Committee has seven members and its Chair serves as a Vice-Chair to the Board of Directors. Other committee members have employment contracts with the ÚPN. The Supervisory Board serves as the ÚPN's supreme auditing body. The Board supervises the Institute's activities and management. There are three members on the Supervisory Board: two are elected by the National Council of the Slovak Republic, and one is appointed by the Minister of Justice.

The ÚPN's organisational structure fully suits the main tasks fulfilled by the institution. The Institute is

Nation's Memory Institute
Organisational Structure



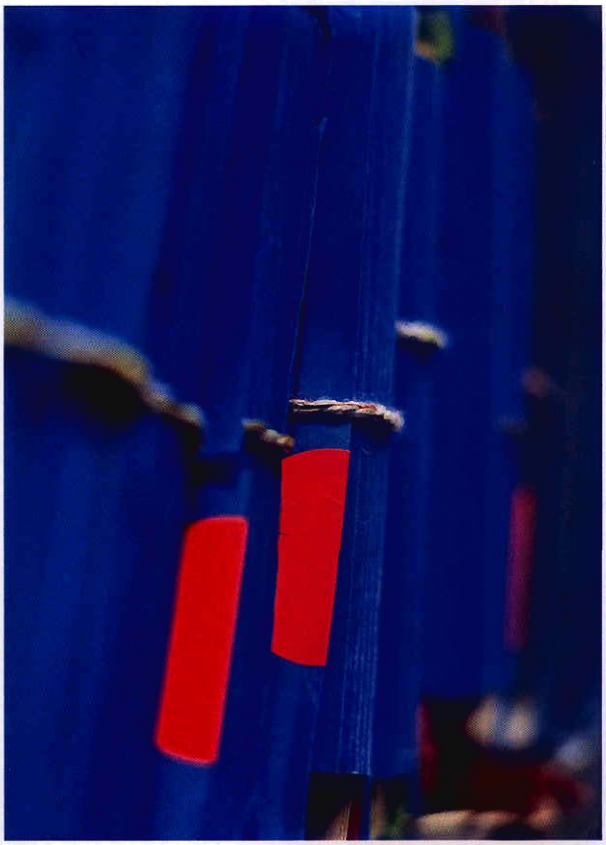
divided into organisational units called sections, departments and services. Primary role of the **Archive Section** is to register, collect, disclose, publicize, manage and use documents of the former security agencies. The **IT Section** carries out electronic processing of files. After their processing the files are tailored as to accommodate the needs of the data applicants. This customization is performed by the **Document Disclosure Department** and is governed by the Act on Protection of Personal Data. The **Section of Documentation** carries out examination, processing and evaluation of documents and the related activities of the State security forces between 1939 and 1989 in terms of criminal law, esp. in respect to the accomplishment of elements of crimes against humanity, and other indictable crimes which are incompatible with fundamental principles of democratic state respecting the rule of law. In liaison with the General Prosecutor's Office of the Slovak Republic, the department is engaged in drawing up and filing motions for criminal prosecution of the said offenses. The **Section of Registration** is involved in processing and analysing data and registered records generated by the security agencies between 1939 and 1989. Another important responsibility of this section is to compile and organise registration using the data contained in the materials which the Institute took over from the State Security Service and other security forces. Discharge of this task also requires replenishing records with the personal data or details of events which were found in other information resources, such as judicial records stored in the Record Offices. The responsibility of the **Scientific Research Section** is to conduct a systematic basic historical and scientific research into the period of oppression, mainly in respect of the activities carried out by the state agencies and operations performed by the security and repressive authorities. The work of this section is even concerned with a broader historical context, both national and international. The section is also engaged in organisation of scientific conferences, seminars, training sessions and exhibitions, in the preparation and implementation of the Institute's edition schedule. Furthermore, it is also a job of this section to communicate with the partner scientific institutions, universities and other higher education establishments, make presentations of the processed information, give lectures and hold vocational training on the subjects approached by the Institute. This section is in charge of publishing a journal known as Pamä' národa (Nation's Memory). The section's employees have authored multiple publications released by the ÚPN. The Institute also delivers the **Oral History Service** which is in charge of recording the opinion evidence on the period of oppression. In addition, the personnel of the Oral History Service participate in production of documentaries. The ÚPN also has **Finance Department** and **Secretariat for the Chair of the Board of Directors**. The Nation's Memory Institute is based in Bratislava, has approximately 70 employees, and its annual budget is about 1.5 million euro.

4. Delivery Status

At its founding the ÚPN had some challenges to face in respect of material delimitation. A large part of documents belonging to the former State Security Service was held by the Slovak Information Service (SIS). This resulted from the Government decision made briefly after the split of the Czecho-Slovak federation in 1993. The Slovak Information Service first refused to surrender the documents to the Institute claiming to have the documents included in their information funds as a permanent part of the SIS intelligence service. The taking over of the documents only commenced after some complex discussions which ended up in the signature of the Agreement of mutual cooperation on transfer of the State security resources from the Slovak Information Service and disclosure of the included information for the SIS purposes. Proper delivery of documents from the SIS was launched in 2003. Later, the Institute also received documents from other government agencies, such as the Ministry of Defence of the Slovak Republic, Ministry of Interior of the Slovak Republic.

The delivery mainly concerned data files of the former regional units of the Sate Security Service in Slovakia, including the registered records and the records of no proper disposition and delivery status. The Ministry of Defence of the Slovak Republic delivered to the ÚPN several funds of the Military Counterintelligence Directorate units. The Institute also obtained several funds from the Ministry of Interior of the Slovak Republic. This stock was formerly stored at the departmental archive premises in Levoča and Nitrianska Streda. (This is a source of files produced by the Border Guard services.)

The ÚPN archive comprises many kinds of archival materials; paper documents, apparently, prevail. We also dispose of a good deal of documents scanned to



the microfiche format. Archive also stores microfilms, film material, and, last but not least, disused electronic databases.

At the same time (in 2004), the Nation's Memory Institute drew attention to the unprofessional procedure of document delimitation after the split of the Czecho-Slovakia in 1993. The Czech Republic still holds, in the archive of the Ministry of Interior of the Czech Republic (currently the Archive of Security Forces), funds which should, either in full or in part – depending of the subject-matters contained, fall under administration of the Slovak institutions. These documents include information on the citizens of the Slovak Republic, or activities of unitary public authorities active in the area of the Slovak Republic. Unfortunately, negotiations on delivery of the original documents in question and some copies of originals have remained pending.

The Nation's Memory Institute Archive has also obtained a king-sized library of the Marxism and Leninism Institute in Bratislava, and other compelling collections coming from various private resources.

Unfortunately, some of the material the Institute has received throughout its life was first in poor condition, either biologically or mechanically damaged, mostly due to the improper storage. The Institute staff removed these defects, and now the storage of all archival documents meets high standards.

Shortly after founding the Nation's Memory Institute, transcription of documents to digital format was launched. This is one of very important duties the Institute undertakes to perform. The members of staff allocated to carry out this specific job usually process some 250,000 pages a year. The scanned forms of documents are at present mainly used to execute the document disclosure pursuant to Sections 17 and 18 of Act No. 553/2002 Coll., and, in second place, to serve the purposes of the Institute's departments. Anyway, the whole of the archival stock is planned to go digitalised, in successive steps, and the electronic copies will remain available for other purposes. It is advisable to mention that the ÚPN has no plans for any broadcast internet publishing of the said documents. The Institute only publicizes some selected documents, normally, following the topicality of the subject-matters involved. On the other hand, great attention is paid to publishing registers and records. The Nation's Memory Institute has published a list of Jewish businesses put into liquidation and aryanization, and a list of the Hlinka Guard commanders. In respect of the Communist regime, the ÚPN has disclosed a list of officials of the communist party, a list of officers of the State Security Service, registration records of the State Security Service and the Military Counterintelligence, a list of archival books, a list of intelligence facility files, a list of persons deported to gulags, and others.

5. Access to the Files and Legal Conditions for Dealing with the Files in Public

The key areas of responsibility of the Nation's Memory Institute include providing the general public with access to the documents of the former security services. The very submission of documents is carried out in two ways:

1) **Disclosure of documents under Sections 17 and 18 of Nation's Memory Act**

Disclosure of documents under Sections 17 and 18 used to be among the most important activities carried out by the Institute at the early stage of its existence. The ÚPN would daily receive hundreds of requests from citizens interested in learning which of their personal data the State Security Service recorded, who was the agent involved in their case and other information.



Under the referred to organisational sections the Institute provides the applicants with access to a copy of their records (if any) and to a copy of the respective agent's and that of the personnel officer's, if available (Section 17). Institute also supplies copies of persons registered as collaborative persons to any applicants (Section 18). This provision of law has largely been applied by the press. This is how the Institute still discharges its disclosure function, even though the interest in disclosure is continually on decline (e.g. in 2012 the Institute received 41 requests compared to 405 requests in 2008 whereas by the end of 2004 the number was even 6,216). If interested, the applicant may take a copy of the file processed pursuant to the personal data protection policies. The charge is € 0.06 per a page. In addition, the Institute has researched all previous requests, and in case of any new findings the applicants are notified in writing accordingly.

The Nation's Memory Institute basically disposes of three types of files. **Persecuted Person Files** refer to all files except for those kept on secret coopted workers, agents, clandestine collaboration candidates, residents, informers, owners of borrowed residential units, owners of conspiratorial residential units and confidants. The above files are only disclosed to the person kept on the particular file or to the next of kin, and to any other person having written consent to this effect, pursuant to the Slovak legislation. A **Secret Cooptee File** means a file kept on the following: a coopted worker, agent, resident, informer, owner of a borrowed residential unit, and owner of a conspiratorial residential unit. This type of file may be disclosed to the person kept on the particular file, as well as to the person with an entry on the respective cooptee made in their own file. This type of file may also be made available to any other person if so requested. The only exception to this effect is the confidant file, which is only made accessible to the person kept on the particular file and to the person with an entry on the respective confidant made in their own file. In that case, the entire file is not disclosed, but only the information which the confidant has furnished in respect of the person concerned. Like the secret cooptee files, the **File on an Officer of the National Security Forces in the State Security Unit** will be disclosed to a person with a respective entry made in their own file, plus to any other person requesting disclosure. Disclosure is by definition governed by the Slovak law con-

cerning the protection of personal data. The modifying of a document is instructed by the opinion which the ÚPN shall obtain from the Office for Personal Data Protection. Making data illegible obviously applies to third persons: on data processing the name of that person remains clear, but the personal details, such as date and place of birth, place of residence, nationality, health status, family status, sex life, religion, criminal activity not related to the case concerned, and others are deleted from the electronic media. Moreover, some solicited files kept on cooptees also have some data blackened: this applies to the names of third persons and the information concerning the cooptee's privacy. A similar procedure is followed when it comes to the disclosure of the background-check files kept on police officers.

2) Presentation of documents in the ÚPN Archive

Access to the documents is also provided at the archive research room. The researchers may study documents in the place, yet there are some measures set to this study: the studying of personal files of the intelligence service, and the counterintelligence-type of files of the following classes: S (signal file), PO (person under security screening), and NO (enemy person), or any of the predecessor versions in question, is subject to the consent of the Chair of the Board of Directors. Alike other public archives, access is barred to the unprocessed stock. Upon completion of a legal analysis, the ÚPN management decided in 2007 to liberalise the access to the archival documents, and proceeded to disclosing documents at the ÚPN's archive research premises pursuant to the Act on archives (295/2002 Coll.). The decision enabled more comprehensive use of documents by the public, including the files of the former security services, but also the proper files of the State Security Service.

In addition, pursuant to the laws in force the ÚPN makes it possible for all competent governmental agencies to access the Institute's documents. To study the documents the officials of public bodies may use the Institute's research room or, where appropriate, they are provided with a separate room.

The study of documents is free of charge. However, the researchers, or applicants for document disclosure, are required to pay for the photocopies of documents. The charge is € 0.06 per a page. The researchers may use their own digital camera while working at the ÚPN archive; this way of obtaining photocopies of documents is free of charge.

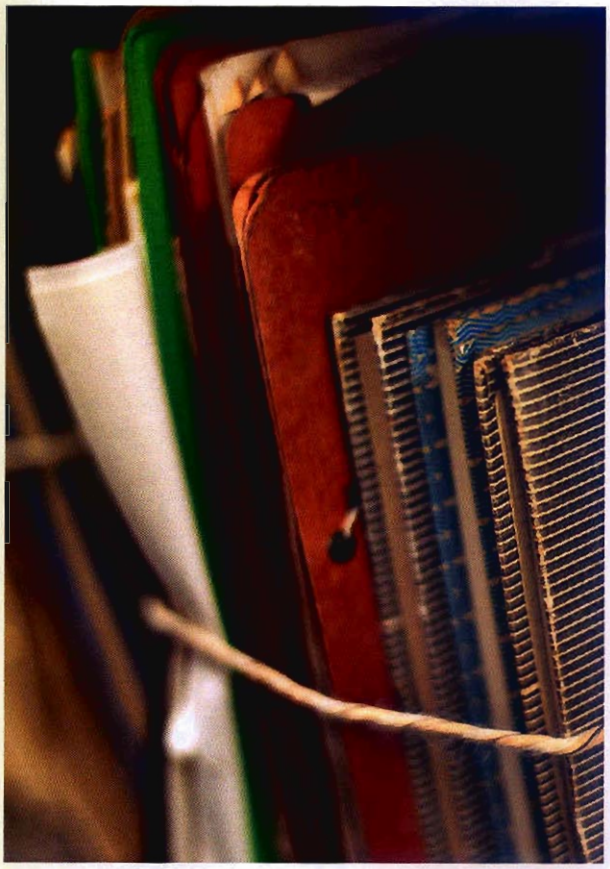
6. External Cooperation

Since its formation the Nation's Memory Institute has cooperated with various organisations and associations both inside and outside Slovakia. Some of this cooperation arises from the obligations falling under the Institute's competence under the Nation's Memory Act or other laws. First and foremost, the Nation's Memory Institute is pursuant to Section 8 of Act No. 553/2002 Coll. obliged to disclose information and documents pertinent to the activities carried out by the security forces in order to discharge their functions defined by law. Whereas the former coopted workers of the communist secret service are pursuant to the laws in force considered to pose a security risk on the State and its allied obligations, the Institute mainly collaborates with the institutions dealing with the state secret. These include the National Security Office, Slovak Information Service, Military Defence Service, and Ministry of Interior of the Slovak Republic. By the end of 2012 the ÚPN staff had addressed more than 9,600 of these kinds of requests.

Another pole of cooperation between the ÚPN and government agencies refers to joint projects of the ÚPN and the General Prosecutor's Office of the Slovak Republic. The Institute's staff have several times initiated criminal proceedings against perpetrators for criminal acts committed during the communist regime.

We attach special importance to the cooperation with schools, foundations, and citizen's organisations. The ÚPN enjoys long-term cooperation with several universities and secondary schools all around Slovakia. The Institute's members of staff share with the students their knowledge of the security repressive apparatus and the rule of non-democratic regimes in the area of Slovakia in the 20th century.

It is also important to forge links with partner scientific institutions. The ÚPN has held several conferences in liaison with universities and scientific institutes. This type of cooperation is also developed with our fellow-workers from outside Slovakia, particularly from the Czech Republic, Poland and Hungary. We have signed agreements on cooperation with our partner organisations in the Czech Republic, Hungary, and Poland, but also with the United States Holocaust Memorial Museum.



Historico-political education in Slovakia

Educational activities rank among the ÚPN's priorities and are also expected to be carried out by the Nation's Memory Act (553/2002 Coll.). The act imposes the following duties, inter alia, upon the Institute: to perform complete and unbiased evaluation of the period of oppression, mainly to analyze the causes and manner of loss of freedom, fascist and communist ideology and to provide the public with the results of its activity, in particular to publish and declassify information and documents on the period of oppression 1939 to 1989, and on the acts and destiny of individuals, publish and disseminate publications, organize exhibitions, workshops, conferences, discussion forums and, last but not least, to promote the ideas of freedom and defence of democracy, etc.

In order to achieve the above objectives, the ÚPN considers it is important to forge links and work together with secondary schools and universities. Our professionals travel all around Slovakia and make presentations on topics which the ÚPN considers important. The list of presentations is available on the ÚPN's web site (www.upn.gov.sk), and schools may choose the topics and dates of presentations online. The Institute's staff members made 36 presentations in 2007, a year later it made 43 presentations, and by December, 2011, the number had succeeded 350 hours of lecturing. Our personnel also provides methodology training to secondary school teachers on the history of the period marked by oppression (1939–1989).

Furthermore, the Institute has recently launched two educational projects. One is called *"Nenápadní hrdinovia"* (Discreet Heroes), and is mainly targeted at secondary schools. Its aim is to encourage students to search their neighbourhoods and find victims of the communist regime, such as a former prisoner of conscience, and prepare a story of their life. The students' efforts may result in other outputs as well as text studies, for example, making a film. All forms are much welcomed and depend only on the student's imagination. Needless to say, the best pieces will win awards.

Another project of a similar nature is called *"Po stopách slobody"* (Tracks of Freedom). The purpose of the project is to challenge university students to think about the period of oppression (1939–1989). Participation of students of all specialisations is welcomed, since historians may do research, artists make sculptures, pictures or screenplays, journalists carry on conversations, write up reports, etc. The Nation's Memory Institute also engages in cooperation with universities. In addition to offering individual lectures we are running a two-semester course titled *Sources for the Study of Totalitarian Regimes* for the students of the Faculty of Arts of the Comenius University in Bratislava. Fruitful cooperation also took place with the Catholic University in Ružomberok.

Educational work pursued by the Nation's Memory Institute also includes publishing as an activity of importance. The ÚPN publishes its quarterly journal known as *Pamäť národa* (Nation's Memory). The journal delivers well-founded scientific studies on various partial topics. In addition, the Institute has already released nearly 40 publications. All works published are distributed to university libraries in Slovakia.

Another important part of the Institute's educational activity is the organisation of scientific conferences and exhibitions. Also worthy of mention are the discussion nights held once a month by the Nation's Memory Institute in Bratislava. Over 30 of such events have taken place so far and have dealt with a variety of different subjects such as the war against Poland in

1939, preparation of the Slovak National Uprising, the Katyn massacre, the pro-regime clergy organisation commonly known as Pacem in Terris, and a discussion about Gustáv Husák, the last communist president of Czechoslovakia. In 2011 we were able to organise similar discussion nights in Košice as well.

There are still a number of tasks that the Institute has yet to embark on: work related to the reconstruction of destroyed files or elaborating on comparative studies in political science, ethics, in the sphere of intelligence-security studies and studies concerned with the analysis of causes of origination and methods of adopting concepts of totalitarian thinking, loss of freedom and defence of democracy.

7. Perspectives of the Institution in the Light of the Public and Political Debate

The Nation's Memory Institute clearly aspires to be an organisation of national, non-party and apolitical nature. For a long time the general public has expressed a positive interest in the information and findings presented by the Institute. There is also an all-society debate going on to weigh the meaning of this institution, authenticity of the State Security Service's documents stored at the ÚPN's Archive, sufficiency of protection against the misuse of these documents, a need for and degree of reconciliation with the totalitarian past. This discussion, occasionally turning into quite a sharp argument, is also echoed on the political scope. This is mainly connected with the fact that several of the politicians employed in the present political life have been confronted with disclosure of their former collaboration with the State Security Service. These matters also affect relations between political parties and the ÚPN. Several political parties do show their disfavour in the Institute's activities, which comes through speculations about the uselessness of this type of institution and channels to eliminate its authority, or even dissolve the Institute. There are tendencies of the government to increase its influence over the Nation's Memory Institute and thus to restrain its independence. Until now the Institute has succeeded in resisting such efforts.

Foundation paper
"European Network of Official Authorities in Charge of the Secret Police Files"

I. Initial situation

1. After the fall of the Communist dictatorships in the former German Democratic Republic, Poland, Romania, Slovakia, Hungary, the Czech Republic and Bulgaria, state-operated agencies were founded, which are responsible for the legacy of the former secret-police agencies and other repressive bodies of these dictatorships, and which should ensure the general public's access to these documents.

2. The major targets of these institutions are in particular:
 - to facilitate individual access to files and data containing personal information of those persons formerly suffering from repression by the secret police.
 - to ensure a comprehensive educational and historical analysis of the working principles of communist secret police bodies based on scientific findings,
 - to ensure that the files are handled and made available in keeping with the principles of the rule of law.

3. The formation of these official authorities and the history of the opening of the files took a different course in our countries: some have already been in existence since the early 1990s, others have been established in recent years. The guiding principle of the work of all these agencies is the will of the respective parliaments to make their own laws pertaining to the legacy of the Communist secret-police, which do justice to their own special circumstances and ensure the handling and making available of the files under the rule of law. In this context, it should be emphasised that all these institutions are independent and not part of the general state-owned archive-management bodies.

4. In the past several years an active bilateral and multilateral co-operation, between our institutions, has developed on various levels. Other state-operated and non-state-operated institutions and organisations (such as, for example, institutions which carry out historical research) are frequently involved in this co-operation.

II. Foundation of a European Network of Official Authorities in Charge of the Secret Police Files

We, the representatives of these institutions, have recognised the necessity to reinforce our co-operation and express our common purpose in a European Network. In this process, we follow up on the initiative expressed in the Resolutions 1096 (1996) and 1481 (2006) of the Parliamentary Assembly of the Council of Europe (among others), which emphasise the importance of the prosecution of crimes committed by Communist regimes, to inform the public of these crimes and to open the secret-police archives maintained by these dictatorships. As state-operated institutions with the legally codified mandate to enable access to these files, we in the European Union seek to state clearly our common position on these issues. We seek to be a forum for the mutual exchange and transfer of information: this applies to the archives, the legal regulations, the historico-political education and public-relations, and research. With the establishment of this European network, we would like to make clear that these issues do not encompass merely a national context. They involve coming to terms with the past in a European, an international context. We wish to stress the importance of opening the files and access to these files, which is regulated in accordance with the rule of law and also the importance of independent research and wide spread information about the secret police of dictatorships and its representatives. Our common aim is to support each other in the fulfilment of these tasks. We wish to guarantee the full independence of archival research. Any kind of political instrumentalisation must be prevented. We wish to advocate this together publicly.

In this process, we acknowledge that the nations concerned follow – notwithstanding the common basis of their aims – a different approach, as e.g. in their internal structure, in regulating the legal and factual access to the files, in the assignment of jurisdiction for the investigation of crimes committed by dictatorial regimes and the lustration and vetting in politics and administration.

In the context of a multi-faceted landscape of state-operated and non-state-operated agencies, institutions

and initiatives involving research institutes, foundations, memorial sites, museums and victims' groups – our European Network serves to promote the common aim of enhancing efforts on the academic, social and political levels to come to terms with the past. It will do so with regard to the different experiences with repression which the countries involved have had. Particular importance should be attached to independent academic research and the historico-political education of, in particular, the european youth. The purpose of this network is to involve other agencies/institutions and initiatives in its work – and to find suitable forms of involvement.

We are convinced that access to the secret-police files is an important aspect of the transformation processes taking place after the fall of dictatorships worldwide. Therefore, the network aims to define minimum requirements for access to the secret-police files kept by dictatorships.

In order to inform the public, the network will first create comparative surveys of access to the files, the legal principles governing this access, and the structure of the responsible institutions, as well as of the utilisation of their services. The network will focus on the subjects-specific, independent fulfilment of tasks in order to eliminate the possibility of any kind of political instrumentalisation.

III. Working methods of the network

1. Annual conferences

The network will conduct an annual conference at which the management bodies of the institutions involved discuss important issues associated with their functions and the overall process of coming to terms with the past in their countries. In this process it is intended that the pan-European dimension of these issues plays a particularly significant role.

The country which serves as Chair of the network on a rotating basis should serve as the host of the conference in that particular year.

This annual conference is accompanied by public events which are to serve to increase public awareness of issues related to this review process. In this context, it would be desirable to involve additional agencies/institutions and initiatives which are involved in this process of coming to terms with the past.

The proceedings of the annual conference will then be documented and published in an appropriate way.

2. Co-ordination group

The network will establish a co-ordination group consisting of representatives from the institutions involved,

- will ensure constant and direct communication,
- will prepare the annual conference together with the host authority,
- will develop a system for collection, providing and updating basic information on the authorities involved.

3. Central organisation

The institution which is to host the next annual conference, will chair the network for a one-year term leading up to that conference.

Addresses of the Members of the "European Network of Official Authorities in Charge of the Secret Police Files"

Bulgaria

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info@comdos.bg
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info@ustrcr.cz
www.ustrcr.cz
Facebook: Ústav pro studium totalitních režimů

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The Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic
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Impressum/Imprint

Herausgeber/Editor
Der Bundesbeauftragte für die Unterlagen
des Staatssicherheitsdienstes der ehemaligen
Deutschen Demokratischen Republik (BStU)/
Federal Commissioner for the Records
of the former German Democratic Republic

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Second and Revised Edition
Berlin, December 2013

Redaktion/Edition
Dr. Reiner Schiller-Dickhut (BStU)
Bert Rosenthal (BStU)

Layout
Pralle Sonne
Berlin

Druck/Print
BStU

Bildnachweis/Picture Credits
p. 7: COMDOS; p. 11: BStU/Herud;
p. 14, p. 26, p. 36, p. 44, p. 53, p. 55: Pralle Sonne
p. 16, p. 24, p. 30, p. 61, p. 70, p.73, p. 74, p. 75: BStU/Dresen
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